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PROCEEDINGS

OF THE

MASSACHUSETTS HISTORICAL SOCIETY.

NOVEMBER MEETING, 1903.

THE stated meeting was held on Thursday, the 12th instant, at three o'clock, P. M.; the President, CHARLES FRANCIS ADAMS, LL.D., in the chair.

The record of the October meeting was read and approved; and the usual monthly reports were presented, the Librarian's report covering a period of two months.

Mr. Moorfield Storey was elected a Resident Member.

A letter was read from the chairman of the State House Commission, asking for suggestions as to a public memorial or memorials of John Adams, second President of the United States, and of John Quincy Adams, sixth President of the United States; and in accordance with a recommendation of the Council it was

Voted, That Messrs. Hoar, Hale, and Norton be a Committee to represent the Society in the matter of a memorial or memorials to John Adams, the second President of the United States, and John Quincy Adams, the sixth President of the United States, both former members of the Society, in compliance with the invitation of the State House Commission of October 19, 1903.

The PRESIDENT said:—

In that biography of Gladstone which is now on so many tables and in the hands of such a multitude of readers, Mr. Morley tells us that when about to face one of his great parliamentary ordeals, it was the habit of Mr. Gladstone to have

recourse to his biblical recollections, whence to fortify himself with some text appropriate to the occasion. So on the 8th of April, when he was to lay before the House of Commons his plan of Irish Home Rule, this entry appears in the pocket diary it was his custom to keep,—“The message came to me this morning: ‘Hold thou up my goings in thy path, that my footsteps slip not.’” Needless to say I am no more Mr. Gladstone than is this the Commons House of Great Britain; but reading the above the other day in Morley’s book, it did occur to me that, were I to select an appropriate text for this particular meeting of the Society, I should find it in the twelfth verse of the tenth chapter of First Corinthians,—the familiar precept, “Let him that thinketh he standeth take heed lest he fall.” A month ago we met after the usual summer intermission, and, referring to the corresponding meeting of four years before, when it had devolved on me to announce four vacancies on our roll, all of which had occurred during the summer then just ended, I ventured to congratulate myself and the Society that we now met with a membership in no way diminished, our roll of Resident Members when we that day adjourned numbering 99, that of Corresponding Members 50, that of Honorary Members 8,—a total membership of 156, our full number being 160. “Let him that thinketh he standeth take heed lest he fall”; to-day the membership of a month ago is noticeably reduced,—instead of 156 it stands at 152. George Harris Monroe, a Resident Member, died at his house in Brookline on the evening of Thursday, October 15; and General Edward McCrady, a Corresponding Member, died at Charleston, South Carolina, on the 1st instant. The interval since our October meeting has, however, been made more and otherwise memorable by the disappearance from the historical firmament of two luminaries so widely recognized as to have found a place on our severely restricted Honorary Roll,—William Edward Hartpole Lecky died at his house in Onslow Gardens, London, October 22; and, last and greatest of all, Theodor Mommsen, full of years and laden with honors, passed away at his home in Charlottenburg, Prussia, on the morning of Sunday, November 1.

It is not customary for the presiding officer here, when announcing deaths that have occurred, to do more than refer briefly to the connection with the Society of those who are

gone; and, in accordance with our usage, I shall presently call upon members of the Society to offer appreciations of each of those I have named. First, of our Resident Member. Born in Dedham, August 28, 1826, Mr. Monroe was already approaching the seventy-second milestone of life when, at our April meeting of 1898, he was chosen into the Society. When a man joins such a body as this at so late a period of life, he rarely, so to speak, becomes thoroughly habituated to it or actively concerns himself in it. It was so with Mr. Monroe. A frequent and interested attendant at our meetings, though heard at them less than we would have desired, he never served in the Council or upon any committee, or contributed a paper or memoir to our Proceedings. Well read historically, especially in our American annals, thought and observation with him bore fruit in that modern substitute for Homer's winged words,—incessant and long-continued contributions to the journalistic press; but here he was a silent spectator and listener. In his case, as in other cases I might easily mention, the fault, as well as the loss, was ours. He should have been elected twenty years earlier.

Of Edward McCrady little can be said in connection with this Society. A most careful and painstaking student and writer, he was chosen a Corresponding Member at our meeting of May, 1902, and at the date of his death his name had stood on our rolls seventeen months only. After his election he never chanced to be in Massachusetts, and accordingly he was known personally to but few of our associates. The same might be said of both Professor Mommsen and Mr. Lecky; indeed, I question whether either of these last two was ever even in America. Their names stood at the time of their deaths second and third on our Honorary Roll, Dr. Mommsen having been chosen at the October meeting, 1880, while Mr. Lecky followed in September, 1882. I am not aware that either of them made any contribution to our Proceedings. It is sufficient that their names graced our rolls.

Here perhaps I might stop, my function fulfilled. But I feel that in the case of one of these two I owe something more to the occasion and to myself. When, in 1794, Edward Gibbon died, this Society was in its earliest infancy. Indeed, though already three years an organization, its legislative act of incorporation bears date a few days more than one month after

the historian's death. James Sullivan, subsequently Governor of the Commonwealth, was its President,—its first President. To me at least it would now be curiously interesting could I turn back one hundred and ten years in the records of the Society and there find a characterization of Gibbon and an estimate of his historical work, as they appeared to him who then filled the chair I now occupy. I do not need to be told that Gibbon and his work were, at the time of his death, looked upon askance here in New England. I have already, on another occasion, called attention to the fact that in 1791 President Willard of Harvard College felt it incumbent upon him publicly to deny in the columns of the Boston "Centinel" a statement that "an abridgment of Gibbon's history" constituted "a part of the studies of the young gentlemen at our University."¹ He added that "it was never thought of for the purpose." Probably this view of the pernicious character of Gibbon's work was shared to the full by my first predecessor. Unfortunately, his judgment is not recorded, and in this case we do not know how Gibbon looked in the eyes of that particular one of his contemporaries. His death here passed unnoticed. I do not propose that it shall be so with him whom I am disposed to regard as the greatest and most noteworthy historical investigator and writer whose death has been recorded since 1794. Contemporaneous estimates of books, as of men, are apt to be wrong, and almost invariably the verdict, if not actually reversed, is greatly and variously modified. Will it be so with Mommsen? Time only can show.

¹ Proceedings, 2d series, vol. xiii. p. 84.

This card of President Willard is now so curious that, as a matter of record, it is here given in full. It was printed in the issue of the "Columbian Centinel" for November 16, 1791, two days after it was written:—

For the *Centinel*.

Mr. RUSSELL,

A writer in the *Centinel* of the last Saturday, under the signature of *Christianus*, says, "that an abridgment of GIBBON's history (if his information be true) is directed to make a part of the studies of the young gentlemen at our University." I now beg leave, through the channel of your paper, to acquaint that writer, as also the publick, that his information is *not true*. The system taught is Millot's *Elements of General History, ancient and modern*, and GIBBON's history was never thought of for the purpose.

JOSEPH WILLARD, President.

Cambridge, Nov. 14, 1791.

Having occasion elsewhere, three years ago,¹ to refer to Mommsen and his History of Rome, I confessed to judging of him by recollection only; for even then more than thirty years had passed since I had read his great work except in parts. I have since hardly more than looked into it, and for special purposes only. My impression of it, and of him as a writer—for the man himself I never saw—is, however, curiously fresh. It is the impression of something at once massive and individual. A writer of prodigious learning and Germanic self-poise, he seemed, as I remember, to pour forth the results of his investigations and thought with a disregard of conventionalities, traditions and accepted theories at once aggressive, dogmatic and contemptuous; yet all the time you felt the man knew that whereof he spoke. I do not propose to institute any comparison between him and Gibbon. Except in learning, iconoclasm and historical instinct the two were as different as writers well can be,—different in method, in temperament and in style. The one was sceptical, a philosopher with a dash of the cynic; the other a dogmatist: but both built on a solid foundation of knowledge, and neither respected any fact or theory simply because all previous writers had agreed to accept it, or because it had ossified into an article of faith. They questioned everything. The result was that those two have between them re-written twenty centuries of history, covering the slow rise and yet slower fall of the greatest Empire our world has yet seen; and from their hands the story came forth transmuted. Of what others can this be said? Indeed, scanning the whole field from Herodotus down, I am in all soberness of judgment disposed to say that Edward Gibbon and Theodor Mommsen constitute a class by themselves. So to-day we note the passing of an historical luminary than which none has shed a more widely diffused or more penetrating light.

Mr. FRANKLIN B. SANBORN, having been called on first, read a tribute to Mr. Monroe as follows:—

Mr. President and Gentlemen,—Our good friend and late associate George H. Monroe was born in Dedham in August,

¹ Address at the Dedication of the Building of the State Historical Society of Wisconsin at Madison, October 19, 1900, p. 38.

1826, within a few days of the birth of another member, Senator Hoar, and also quite as near the birthday of Judge Francis Wayland, of New Haven. Of the three, Mr. Monroe was the first to depart, dying in October last, after a brief illness, at the age of a little more than seventy-seven years,—a long and useful but laborious life, and of late in much impaired health. Ten years ago last June, his lifelong friend Francis William Bird called at his editorial room in the "Herald" office, and then wrote to Monroe in these characteristic words: "I found it locked, as I have too frequently of late, and you reported to be at home sick. The old story! I have lectured and scolded you about your health, until I find it does you no more good than other people's lectures do me."

Mr. Bird died within a year, and Mr. Monroe had gone abroad in the intervening winter, to improve his own health by a season of rest and the diversions of European travel. Returning to his daily editorial duties, he continued them, with occasional vacations, usually from ill-health, until a few weeks before his death. The last time I saw him was near Park Street, early in October, slowly making his way towards the Subway train which was to take him to his comfortable Brookline home, and when I saw him next he was in his coffin.

Mild and bland as our friend was in his character and manners, he was a descendant of those formidable fighting Monros of Rossshire in northern Scotland, who were captured by Cromwell at one or more of his Scotch battles and sent in considerable numbers to New England and Virginia. Eleven of this name are said to have been under arms at the Lexington fight in 1775, and of one of the eleven I believe George Monroe was the grandson. Colonel Monroe, of Virginia, who passed through all the grades of public service, ending with eight years in the Presidency, and who has given his name to a much disputed and much varying doctrine, was descended, according to tradition, from Hector Monro, an officer in the regiment of which the Lexington Monroe was a member.

Born to no fortune, George Monroe learned the printer's trade, and passed through all the grades of that art and its post-graduate courses of editorial work. He was successively apprentice, journeyman, proof-reader, country editor of a weekly sheet, correspondent of great dailies, editor of a Bos-

ton weekly,—several of them, indeed,—and leader-writer in the most influential of our Boston dailies. He thus became an historian; for what is the newspaper but “the history of the world for a day,” as a witty New York editor said? And I am inclined to think that a careful daily historian like Monroe is at once more laborious, more exact, and on the whole more useful to mankind, than any but the greatest authors of well-bound histories. It is common for orators, in pulpits and on platforms, to denounce “the sensational press” with a fine warm scorn, and accuse it of mendacity, malignity, and every sort of inconvenient publicity. But when I turn to the pages of sober history (so called) I find that to be also, in the opinion of later authors, mendacious, malignant, sensational, and every way unworthy of serious confidence. “What is history?” said Napoleon, that illustrious maker and falsifier of it,—“what is history but a fable agreed upon?” This is what one able editor says to another in the newspaper world, as in the world of printed volumes that can stand alone. Préjudice and party bitterness rage among grave historians with quite as much force, though with slightly different results, whether the subject be the conspiracy of Catiline, the assassination of Cæsar, the character of Cromwell, or the victory of Tammany in New York, and the exact number of hours a revolution must have been wound up to strike and succeed before (as Mr. Gladstone said of the handiwork of Jefferson Davis) a nation has been created.

Mrs. Oliphant, in her life of Principal Tulloch, having occasion to mention his friend James Hannay, editor of the Edinburgh “Courant,” went on to describe him as “one of the many men of considerable gifts who sink in the sea of journalism and leave but small record of themselves,—not much more than a little wreckage upon the pitiless shore. He was, I believe, a good scholar and keen critic.” On the other hand, Sir Leslie Stephen, in a recent magazine article, lets us know that, because he could not “come to terms with the XXXIX Articles,” he had to accept the only practicable alternative, and exchange the pulpit for the press; adding that “the profession of journalism was becoming respectable.” Nor was this wholly because young Leslie Stephen went into it, when his scruples excluded him from the pulpit; long be-

fore that, Thackeray and other first-class men of letters had given it what the English mean by respectability.

In the case of American journalists this had happened long before ; hardly a statesman of any note in our republic but had dabbled in journalism, first or last. The greatest of them all, Ben Franklin, had begun at the printer's case, as Mr. Monroe did, and had pied many a harmless "form" in Boston and Philadelphia before he joined with Washington and the Adamses in pieing the venerable form of the British Empire as it then stood,

And cast the kingdoms old
Into another mould.

Mr. Monroe was not wrecked in the sea of journalism ; he floated, carrying cargo for many a year on the comparatively calm lake of Boston politics and literature ; and he contributed to the guidance and entertainment of our city and suburban people in this fortunate peninsula, which reminded Dr. Tulloch, when he was here some thirty years ago, of a happy blending of Edinburgh and Paris. (In passing, I may say that when, about the same time, I was escorting Lady Amberley in a carriage from Cambridge to the Radical Club in Boston, and suggested to her that Emerson had found in Edinburgh "a fatal resemblance to Boston," the calm and brusque lady looked out of the window, as we were driving along Charles Street, and missing the Calton Hill and the castled crag above Princes Street, coolly observed, "There is not the slightest similarity.")

There was something of the historian in Mr. Monroe, and he was a reservoir of the political annals of New England from the days of Clay and Webster to those of the sermonizing Roosevelt. But there was more of the moralist and daily counsellor in his practical rather than academic nature ; though he carefully avoided exploiting his favorite theses, as is too much the temptation of those who ascend the pulpit-stairs of daily, weekly, or semi-occasional moralizing. It was in Georgia, I have heard (whence the Boston manufacturers in Monroe's early years used to expect what they styled "a spontaneous demonstration in favor of protection from Butler King's district in Georgia"), — it was in that State, I think, that a man sentenced to death for stealing a horse or a negro, when asked by the sheriff on the scaffold if he wished to make

a last dying speech, replied that if there was five minutes to spare, he *would* like to give the audience a few remarks in favor of a protective tariff. No such desperate economizing of editorial time was the habit of our friend. He wrote readily, from a full mind and long practice, but always with a certain margin of leisure around his well-reasoned and cogent leaders, and the letters he sent away to Hartford and New York when those cities found out what a good correspondent he was.

Like all of us who have to enlighten the world on matters political and literary, he was much indebted to the good company he kept when not at his desk or in his library. He had associated from the first with able politicians and journalists older than himself and more extreme in their views; in my own particular circle with Charles Sumner, Francis William Bird, William Robinson, and Henry Wilson. He had known Mr. Bird as a friend long before he came into the Bird Club as a member; and in the Memoir of Mr. Bird (which both Mr. Monroe and I toiled at before it passed to its final editor), he has told a pleasing anecdote of their early friendship. In the "Free-Soil" year, 1847, Mr. Bird, at a school-house in South Dedham, debated the issues, and challenged any Whig to meet him in debate there. Mr. Monroe, just come of age and a printer in his native town, accepted the challenge with the "temerity of youth and enthusiasm," as he says; and he then goes on: "I have never forgotten the kindness and courtesy with which he met me, a stripling opponent,—especially as they were in marked contrast to the manner of another Free-Soil leader, Edward L. Keyes. It was a signal proof of Mr. Bird's broad and tolerant nature that he admitted me at once into his friendship as the result of this discussion. We differed widely in politics, not only then, but for several years afterward, and yet he never ceased to be considerate and forbearing. I learned to admire and love him before I had any sympathy with him in his political views."

During the Civil War they came together politically, and for a time Mr. Monroe edited the weekly "Commonwealth," which was supported by Mr. Bird and his friends in the interest of slave emancipation. By 1872 they had lost faith in the Republican party, and publicly seceded,—Mr. Bird being the Democratic candidate for Governor, and Mr. Monroe for Secretary of State. Before this he had been in the Legislature, and

both before and after he served on the Boston School Committee to the satisfaction of everybody. His standard of public duty was high, and his service punctually rendered.

In his later editorial work he was patient of the fluctuations of popular opinion, which he was ever seeking to guide; but he became rather impatient of the moralizing sciolist in high place, who treats his fellow-citizens as if they were beginners in a Sunday-school class. Not long ago I asked him what he thought of one of our President's prairie speeches, which was making some stir in the press. "Oh, I never read him," was the reply. He had come to look on the ordinary struggles and wriggles of the office-seeking politician with a mixture of amusement and scorn, which, I suppose, is the true historical temper. *That* our late associate had, though he did little of the work commonly reckoned historical.

Mr. ALBERT B. HART spoke extemporaneously to the following effect:—

That I have this valued opportunity of touching on the life and public services of General Edward McCrady is probably due to the fact that within a few months I have been permitted to acquire the friendship of that large-minded man, and can speak from personal knowledge and from personal respect and affection.

General McCrady was born in Charleston April 8, 1833, and throughout his long life was always identified with that city, with the State of South Carolina, and with the South. He was a man of many sides, interested and eminent in many subjects. He early chose the law as his profession, and turned his mind upon the impending struggle between the sections. He did not discuss the question of State rights or secession; to his mind there was nothing to discuss, he never for a moment doubted that his community had the right to withdraw from the Union, and he supported that cause unhesitatingly and with absolute devotion. He told me himself that he was detailed on the 11th of April, 1861, to carry orders to all the fortifications commanding Fort Sumter to prepare for a bombardment, although the final orders were not given until twenty-four hours later.

As a soldier he showed the qualities of character and of

mind which distinguished him throughout his life, the bravest of the brave, the most self-sacrificing of the unselfish ; yet few soldiers, however brave, would, like him, have arisen from a sick-bed and found a way to the front, in order to take part in the terrible fighting before Richmond, only, after the battle was over, to return to the bed of fever. He fought bravely, was repeatedly wounded, yet served to the end of the war. Like most men of high courage and great personal service, he had nothing to boast of, but would, if pressed, tell many incidents of those fearful experiences.

When the war was over, General McCrady returned to his practice and distinguished himself in constitutional law. It was he who suggested the ingenious theory, afterwards upheld by the Supreme Court of the United States, that a juror could not be asked whether he had been engaged in rebellion, since rebellion was a crime, and a man could not be compelled to testify against himself. In the law, as in everything he did, he loved to get to the bottom of the question, and showed himself clear-minded, resolute, and successful.

About 1879 he came forward for the first time as a public man, attracting the attention of his State by several articles on the suffrage, of which the most important was "The Necessity of Raising the Standard of Citizenship," published in 1881. General McCrady's purpose was to find a way in which the negro vote, which had recently been suppressed by fraud and violence, might be excluded by a legal and orderly process. He revived an old system of separate ballot boxes, and drafted the so-called "Eight Ballot-Box Law," which drew down upon the State the fiercest criticism from the North. It was intended to provide an intellectual qualification which would apply to the most ignorant white men as well as to the negroes, and it was subsequently carried out in a clause of the South Carolina Constitution of 1895 which was also drafted by General McCrady. That constitutional provision was complicated, and he was frank to own that he lost his own vote at the first election after it went into force because he forgot to go through all the preliminaries ; but it seems a reasonable and justly administered provision.

Throughout his life General McCrady was a churchman, extremely interested in the affairs of the diocese, and everywhere beloved and honored for his zeal and his exemplifica-

tion of the Christian gentleman. He loved Saint Philip's Church, and one of his most interesting pieces of work is an historical account of that church, which with Saint Michael's is the object most revered by the people of Charleston. He was for many years churchwarden of Saint Philip's.

General McCrady's membership in the Massachusetts Historical Society was due to his high qualities as an historian. Leaving out of account his many historical articles and pamphlets, his reputation will rest chiefly upon his great work, "The History of South Carolina," extending from earliest colonization to the end of the Revolution, in four large volumes. General McCrady began his work on this history when many men are completing their life achievements, and he kept at it steadily, to the publication of the last volume less than two years ago. It is a work which at once gave him a great reputation throughout the country, except in one spot: the people of Charleston seemed unaware that they had in their midst an historical writer who had made himself an authority among American historians, and who thus conferred upon his city an additional honor. The merits of that work are well known. It has the drawbacks of a history written late in life by a man who never had a distinctly historical training, and whose mind and surroundings made it impossible to write with cold impartiality. He was a South Carolinian who was proud to make the glory of his Commonwealth known. He had some strong prejudices, and he wrote in a community where ancestor worship is still a recognized form of religion; yet it is a thoughtful, clear, and able work, a monument of learning and of skill, the more remarkable because written in a community from which he drew little literary stimulus; it is fresh, strong, original, and truthful.

General McCrady's book reflects the writer, a brave, strong, and beautiful character. In person he was aristocratic, a distinguished man. In his daily life there lived no simpler and more genuine man; absolutely without guile, doing his duty as he saw it from day to day. I have never met a man for whom from the first acquaintance I formed such feelings of respect and admiration. He fought upon the other side from my father, yet I thought the two men much alike. To me, therefore, the death of General McCrady comes as a personal loss; and I thank you for these few minutes in which to ex-

press, however imperfectly, the feeling that this was a man whom this Society, whom scholars everywhere, whom his American countrymen, should delight to honor.

Hon. DANIEL H. CHAMBERLAIN, who was absent from the State, having expressed a wish to join in the tribute to General McCrady, the following paper is inserted as a part of the record of the meeting:—

Edward McCrady was by date of election the forty-third Corresponding Member on the list of the Society at the time of his decease. Charleston, South Carolina, was the place of his birth, life, and death. There he was born, April 8, 1833, and there he died, November 2, 1903. He had thus passed the middle of his seventy-first year. His ancestry was distinguished and patriotic; his father, whose baptismal name he bore, having been an eminent member of the Charleston bar, quite unsurpassed there in some branches of his profession, and perhaps still more eminent for his courageous, unflinching, and lofty adherence to the Union cause as against nullification in the very year of General McCrady's birth. His brother, John McCrady, dying before middle life as Professor of Science in the University of the South, at Sewanee, Tennessee, was well known at Cambridge, where he was *par excellence* the favorite pupil of Louis Agassiz; and his death was deplored by the whole scientific world as a distinct and serious loss to science and learning.

Our friend and Corresponding Member received his early scholastic training in the excellent private classical schools then so flourishing and influential in Charleston and throughout the State of South Carolina, schools which trained and inspired many of the greatest men not only in the arena of the State but of the United States. He was graduated at the College of Charleston in 1853 at the age of twenty; and at once, under the personal hand of his father and in his office, began his law studies, was admitted to the bar at Charleston in 1855, and immediately entered upon the work of his profession in connection or partnership with his father.

The war of Secession—and the present writer will pause here to remark, however disconnected it may be from the theme of this paper, that this designation of the war which

went on in the United States from 1861 to 1865 seems to him the most accurately descriptive term which can be used, as well as one free from objection from either side as offensively characterizing what must long remain one of the great historical controversies of the nineteenth century,— the war was now imminent, and young McCrady at once interested himself specially in military affairs, and in 1859 was a member of a commission appointed by the Legislature to examine and report on the militia system of the State, he being at that time captain of a company of State guards. Late in 1860, but after the passage of the State ordinance of Secession, so called, he entered the military service of the State at the capture of Castle Pinckney, and served till the capture of Fort Sumter, April 13, 1861. He then entered the military service of the Confederacy as captain of a company of volunteers, and went with his command to Virginia in July, 1861, where his company was assigned to Gregg's Regiment of South Carolina Volunteers. He was promoted to be major in December, 1861, and to be lieutenant-colonel in July, 1862. During the summer of 1862 he took part in the battles of Cold Harbor, Cedar Run, and the Second Manassas, where he received a severe wound in the head which debarred him from joining in the following Maryland campaign. Rejoining his brigade, he was present at the battle of Fredericksburg in December, 1862. But in January, 1863, in camp at Morse's Neck, Va., he was seriously injured by a falling tree, which disabled him from further field duty. Though remaining with his regiment, he was unable to do duty and closed his active service at Mine Run, Va., in December, 1863, when he was transferred to the command of a camp of instruction at Madison, Florida, where he served till April, 1865, when, on his way to rejoin his regiment in Virginia, he was advised of General Lee's surrender.

In October, 1865, he again took up his profession in Charleston, and he never ceased to follow it devotedly and steadily till the day of his death. In his profession he was known as a laborious, astute, learned student of law, as well as an upright, skilful, and aggressive practitioner and a most trusted and faithful counsellor. His professional character, as distinguished from his professional work, was of the highest. For fully ten years after the war he confined himself closely to his

professional work, producing, however, many legal discussions in the "American Law Review," in the "Southern Law Review," and in the "Central Law Journal." At the same time he published political articles on passing topics, such as suffrage, public education, with other articles on railroads and railroad problems.

But historical subjects were even then foremost in claims on his time and thought. The list of topics, as well as papers and addresses, is long, and includes, with many others, the following: An address before the survivors of Company A, First Regiment S. C. V., Williston, South Carolina, on "The Real Cause of the War," 1882, republished in the Southern Historical Papers, 1888; "Education in South Carolina prior to the Revolution," a paper read before the Historical Society of South Carolina, 1883, pamphlet 4, Vol. IV., Historical Collections; "Gregg's Brigade of South Carolinians in the Second Battle of Manassas," an address before the survivors of the Twelfth Regiment S. C. V., 1884, republished in the Southern Historical Papers; "History of the Medical Profession in South Carolina," an address before the Medical College of South Carolina, 1885; Address before the Virginia Division of Army of Northern Virginia, at Richmond, on the "Formation, Organization, and Characteristics of the Army of Northern Virginia," in the Southern Historical Papers, 1886; "Heroes of the old Camden District, South Carolina, 1776 to 1861," an address to the Survivors of Fairfield County, delivered at Winnsboro, Southern Historical Papers, 1888; "The People of the State," an address before the Literary Society of Statesburg, South Carolina, 1889; the historical sketch of South Carolina in the work on Representative Men of the Carolinas.

In 1880 General McCrady was elected to the Legislature for Charleston County, and was re-elected annually until 1888. In 1882 he introduced and carried through the Legislature an Act to establish a Confederate bureau in the office of the Adjutant-General of the State, for the collection of war records, and to this bureau General McCrady presented all the material on that subject which he had so laboriously and diligently collected. By this act and his previous industry the record of South Carolina soldiers in the Confederate service is wellnigh complete, and for this work, of value alike as a heritage to the

people of the State and a mine for historical research and collated established facts, General McCrady is entitled to the credit. He also took an active part in passing and perfecting the railroad laws of the State, the stock law, and the local option laws ; introduced the resolution endorsing Civil Service reform, and did effective service in favor of the "bill to prevent duelling." He was chairman of the Committee on Privileges and Elections, and a member of the Judiciary and Railroad Committees. Appointed in 1882 Major-General of South Carolina militia, he had much to do with bringing the militia of the State up to a high condition of efficiency and value. His services here won him the military title, by which he was ever afterwards known, of General.

In the Legislature General McCrady gave special attention to the election laws of the State, and was the author of the act known as the Eight-Box Act, for which it was claimed that it avoided the necessity of resort to force or violence to overcome the negro vote.

At the close of his legislative service in 1888 General McCrady entered upon a new line of work which occupied all the time he could spare from his profession till the close of his life. It was in this period, 1888 to 1903, that he did his most notable and valuable work, won his lasting fame, and earned the respect and gratitude to a singular degree of all his fellow citizens of South Carolina, the wider circle of his countrymen, and of historians and historical students everywhere. It is of this period and this part of his career that it seems proper specially to speak.

It would not be easy to name another instance of just such a career as a student and writer of history ; for General McCrady never in any sense or degree abandoned his profession or its constant practice and pursuit. The last time the writer saw him was in June of the present year, as he sat in his office surrounded by law papers and law books and immersed in absorbing law work. In 1888, when his formal historical work was begun, he was fifty-five years of age, without fortune, compelled to earn his livelihood wholly by the practice of his profession. At this time he fixed his mode of work, and division of time and labor. During all the hours of the day he was at his office or in court. At nightfall he took up his historical work, continuing it according to his

strength or inclination, until he retired to sleep, usually about eleven to twelve o'clock. The two occupations were thus separated and never allowed to interfere or become mixed the one with the other. Working thus steadily, never hurriedly, with no daily stint or task fixed or thought of, he pursued his end, till in 1897 he published "The History of South Carolina under the Proprietary Government, 1670-1719," 762 pages; in 1899, "The History of South Carolina under the Royal Government, 1719-1776," 847 pages; in 1901, "The History of South Carolina in the Revolution, 1776-1780," 899 pages; in 1902, "The History of South Carolina in the Revolution, 1780 to 1783," 785 pages; a total of four volumes and 3,293 pages.

Measured merely by its quantity, its pages, this is a stupendous achievement; measured by its quality, it must be ranked high; measured by its difficulties and the personal conditions under which its author wrote, it may fairly be classed as one of the remarkable feats of authorship.

But perhaps it would be well to explain a little what is here meant by the difficulties of the work. South Carolina may, I am disposed to think, be called the most historical State of the Union. By this is meant the State in which has taken place the greatest number of events which have affected our whole country or have interested the world. No reference is here made to the greatness of single events, but to the sum total of events which may properly be called historical. For example, it is not suggested that any event has occurred in South Carolina which equals in its consequences, or has so profoundly influenced and impressed the world, as the landing of the Pilgrims at Plymouth and of the Puritans at Boston, or the first settlement at Jamestown, or the discharge of the first cargo of negroes in Virginia. But when one runs over the whole list of events in South Carolina of which the country and the world has taken more or less note, including especially the struggle with the red Indians, with the Spanish, and with pirates, in her early days; the events occurring there in the Revolution; the capture of Charleston by the British; the struggles of the patriots of the low country; such incidents as the martyrdom of Hayne; the great and peculiar feature of the partisan warfare in the State from 1776 to 1783; the valor and skill of the great partisan leaders; the part which

South Carolina bore in the Constitutional Convention of 1787 ; her part and spirit in the adoption of the Constitution ; the great nullification episode ; the career and leadership of Calhoun ; the part of the State in pressing for secession ; the attack on Fort Sumter followed by the great siege of Charleston ; and the disaster to the Union forces at Fort Wagner,—when all these events and others of only a little less prominence are called to mind, it seems reasonable to say that South Carolina had, when General McCrady began his work, more historical material to be dealt with and set forth in due order and in readable and clear narrative than any other of our States could furnish. This difficulty, instead of being an embarrassment of riches, was an embarrassment of tangled and multitudinous events and incidents, which till then had not been dealt with except in a fragmentary, annalistic, and unscientific way. Literature, pure and simple, which can alone make the best historical writing, had never greatly flourished in South Carolina. The list of those who had attempted to use the material named for historical composition, whether in the form of histories proper, like Ramsay's work, or in the form of romances, like Simms's work, is a very short one. Politics, political writing and thinking, the development of political theses and theories, the propagation of political and constitutional tenets, had from the first thrown literature into the background. The effect of the war was, for a quarter of a century, to put out of mind, as well as out of reach of possible accomplishment, all plans and thoughts of historical writing or publishing except of a fugitive sort.

The field, then, when General McCrady took up his task was an open and practically unbroken, uncultivated one. The task was unique, as well as disheartening and forbidding to any but a man of strong will, of indomitable industry, and a patience and devotion which looked not for pecuniary profit or literary fame, but only to the pious object of telling the high story, the thrilling events, the far-reaching influences, which his native and well-loved State had enacted or originated in her first century and a quarter of life as a separate civil community. Precisely such a man was Edward McCrady. Not brilliant, not strictly literary by habit or endowment, not master to the last of a flowing or attractive style, he had what alone could cope with his problem — a firm grasp of facts, a power of

grouping and arranging them in orderly sequence, a scrupulous fidelity in gathering materials, above all, a will to work out his task, which never faltered. Fortunately, no doubt, for his success, he did not sit down and much survey the future of his work. What he could do from month to month he was contented to do, and whether he reached a particular distant goal or not did not greatly concern him. So, too, he wasted or used but little time in the work of revision after he felt he had made sure of the facts. He wrote, as he once remarked to the present writer, "as well as he could, and let it go at that." If with his rather deficient literary touch he had tried, between the age of fifty-five and seventy, to construct a literary monument, the great work he has now done and left to the world would never have been completed.

When he had finished the last volume of his history, he said to the present writer, "I have now reached a halting-place. I can go on again if I live and choose to do so, or I can rest finally where I am"; and he then proceeded to say that he had carefully turned over in his mind the scheme and contents of one more volume, and had gathered a good deal of material for it, but he had not then determined whether or not he should seriously set at work upon it. This volume was to cover the period from 1783 to at least 1789, and possibly the following decade, but to be principally or specially an effort to set forth the position of the State, her public men, and her people, on the Federal Constitution, and even more specially the story of the adoption of the Constitution by the Convention of South Carolina, with sketches of the personalities of the leaders, at that time, of the State. There is reason to believe he had before his death more fully, if not quite fully, determined to enter on this work, and that evidences or traces are left of his work in that direction.

It is of interest to note here that about a year ago the present writer took the liberty to invite and urge General McCrady to prepare a special article, as a Corresponding Member of our Society, and to read it in person before the Society. The thought evidently was grateful to him, and in a later interview he informed the writer that he had entered upon the preparation of such a paper, to bear the title "The Adoption of the Federal Constitution in South Carolina," or some equivalent title. How far he had gone in this work is

not known, but it is pleasant evidence of the regard he bore the Society and the value he put on his membership here, that he responded so quickly to this suggestion, remarking, as he did, "I will do anything in my power to gratify my friends in the Massachusetts Historical Society."

Of the merits of the volumes of General McCrady's History of South Carolina it might be profitable to speak at some length, but it is not necessary. His career, how he worked, and what he accomplished, and what he wished to accomplish, have been perhaps sufficiently set forth in what has now been said. All in all, he was a rare example of one who made the most of his talents; who worked conscientiously rather than ambitiously; who did good rather than great work; who always aimed at accuracy in matters of fact; who had his predilections even in historical matters, but who always gave his sources and authorities; and never forgot the decorum of the historian in the zeal of the pamphleteer, or the special duty which rests on all historical writers to do justly by historical characters who can no longer speak for themselves. Being once criticised by the present writer for what the latter deemed injustice done to General Greene in his last volume, and for some unfairness of judgment as between the merits of Sumter and Marion, his reply was, "Well, there are the facts for all to judge of. I have only given *my* judgment."

Some obvious defects of attitude and temper as well as method could easily be found in his work; one of which is expressed in the adage, "One often cannot see the woods for the trees." General McCrady sometimes fills his canvas with such a foreground of details as to hide and confuse the great features he seeks to delineate; another defect is that he sometimes seems to hold a brief for certain characters which he presents and which perhaps command his sympathy and admiration. If these be his defects, however, it may be added that they are common defects of all historians, from Thucydides to Gibbon and to Macaulay.

It would not be well to close this notice of General McCrady without some reference to one who was his constant encourager in his historical work, as well as often an adviser regarding materials and estimates of men and of events involved in General McCrady's histories. The reference is to that other Corresponding Member of the Society from South Carolina,

the Hon. William Ashmead Courtenay. This gentleman, while not the author of any formal history, has probably done more than any other man, now or at any time living in South Carolina, to promote the historical spirit, and especially to gather and make available historical materials. From 1880 to 1888 Mr. Courtenay was the mayor of the city of Charleston. The Year-Books, so called, of Charleston during that period are unsurpassed mines of historical wealth on all topics connected with the history of Charleston, besides containing much with reference to the history of the whole State. Whoever will open and turn over the pages of these eight volumes will be surprised, if he has theretofore been a stranger to them, at the value of the historical matter therein preserved. They cover a compendious but quite full sketch of the history of the city from 1783 to 1882, with lists of all city officers from the earliest date, histories of the churches of all denominations, of slavery in South Carolina, of nullification, of the Compromise Measures of 1850, of the War of Secession, of the defence of Charleston during the war, especially the struggle and Union disaster at Fort Wagner, the evacuation of Charleston in 1865, the reconstruction period, the great earthquake in Charleston in 1886,—by far the best record, I venture to say, in existence anywhere of that event,—the history of public education in Charleston and South Carolina from the earliest days; and all accompanied by numerous reproductions of maps, and by fresh photographic illustrations of places and scenes, especially those connected with the earthquake, and numerous biographies of distinguished Charlestonians and South Carolinians, such as we should be unable to find elsewhere,—a veritable thesaurus of historical information for that city and State. It is pleasant to know of the long and mutually helpful friendship of these two devoted friends of historical work, the many conferences held by them on difficult points, their unselfish aid to all students of history interested in Charleston or South Carolina,—a pleasure heightened by the fact that the roll of Corresponding Members of the Society has borne the honored names of both.

It need only be added to complete this notice that General McCrady held the academic degree of LL.D. from the College of Charleston, and a like degree (*juris utriusque gradum*) from the University of South Carolina; and of D.C.L. from the

University of the South. He was also at the time of his death the Second Vice-President of the American Historical Association,—an honor which, had his life been spared, would doubtless have ripened at the approaching meeting at New Orleans into the Presidency of that flourishing and powerful Association.

Of no man could it be more justly said that the end crowned and glorified the work,—*finis coronat opus*. With one heart and one voice his city and State mourned him by all simple and becoming funereal tokens of love and honor. A devoted churchman during all his life, his dead form rested before burial under the imposing arch and dome of venerable and war-tried St. Philip's Church, where he had been a vestryman for over twenty-five years, and was senior warden at the time of his death; and was borne to repose at last in the cemetery of the church, near the grave of John C. Calhoun.

In the presence of such “a hopeful euthanasia” Wordsworth’s fine lines on the death of Fox naturally recur to memory,—

“But when the great and good depart,
What is it more than this—
That Man, who is from God sent forth,
Doth yet again to God return?—
Such ebb and flow must ever be,
Then wherefore should we mourn?”

MR. JAMES F. RHODES read an estimate of Mr. Lecky:—

Amazement was the feeling of the reading world on learning that the author of the “History of Rationalism” was only twenty-seven, and the writer of the “History of European Morals” only thirty-one. The sentiment was that a prodigy of learning had appeared, and a perusal of these works now renders comprehensible the contemporary astonishment. The “Morals” (published in 1869) is the better book of the two, and, if I may judge from my own personal experience, it may be read with delight when young and re-read with respect and advantage at an age when the enthusiasms of youth have given way to the critical attitude of experience. Grant all the critics say of it, that the reasoning by which Lecky attempts to demolish the utilitarian theory of morals is no longer of value and that it lacks the consistency of either the orthodox or the

agnostic, that there is no new historical light, and that much of the treatise is commonplace, nevertheless the historical illustrations and disquisitions, the fresh combination of well-known facts are valuable for instruction and for a new point of view. His analysis of the causes of the decline and fall of the Roman Empire is drawn of course from Gibbon, but I have met those who prefer the interesting story of Lecky to the majestic sweep of the great master. Much less brilliant than Buckle's "History of Civilization," the first volume of which appeared twelve years earlier, the "Morals" has stood better the test of time.

The intellectual history of so precocious a writer is interesting, and fortunately it has been related by Lecky himself. When he entered Trinity College, Dublin, in 1856, "Mill was in the zenith of his fame and influence"; Hugh Miller was attempting to reconcile the recent discoveries of geology with the Mosaic cosmogony. "In poetry," he wrote, "Tennyson and Longfellow reigned, I think with an approach to equality which has not continued." In government the orthodox political economists furnished the theory and the Manchester school the practice. All this intellectual fermentation affected this inquiring young student; but at first Bishop Butler's "Analogy" and Sermons, which were then much studied at Dublin, had the paramount influence. Of the living men, Archbishop Whately, then at Dublin, held sway. Other writers whom he mastered were Coleridge, Newman, and Emerson, Pascal, Bossuet, Rousseau, and Voltaire, Dugald Stewart, and Mill. In 1857 Buckle burst upon the world, and proved a stimulus to Lecky as well as to most serious historical students. The result of these studies, Lecky relates, was his "History of Rationalism," published in the early part of 1865.

The claim made by many of Lecky's admirers, that he was a philosophic historian, as distinct from literary historians like Carlyle and Macaulay, and scientific like Stubbs and Gardiner, has injured him in the eyes of many historical students who believe that if there be such a thing as the philosophy of history the narrative ought to carry it naturally. To stop the relation of events or the delineation of character by parading trite reflections or rashly broad generalizations is neither science nor art. Lecky has sometimes been condemned by stu-

dents who, revolting at the term "philosophy" in connection with history, have failed to read his greatest work, the "History of England in the Eighteenth Century." This is a decided advance on the "History of Morals," and shows honest investigation in original material, much of it manuscript, and an excellent power of generalization widely different from that which exhibits itself in a paltry philosophy. These volumes are a real contribution to historical knowledge. Parts of them which I like often to recur to are the account of the ministry of Walpole, the treatment of "parliamentary corruption," of the condition of London, and of "national tastes and manners." His Chapter IX., which relates the rise of Methodism, has a peculiarly attractive swing and go, and his use of anecdote is effective.

Chapter XX., on the "Causes of the French Revolution," covering one hundred and forty-one pages, is an ambitious attempt, but it shows a thorough digestion of his material, profound reflection, and a lively presentation of his view. Mr. Morse Stephens believes that it is idle to attempt to inquire into the causes of this political and social overturn. If an historian tells the *how*, he asserts he should not be asked to tell the *why*. This is an epigrammatic statement of a tenet of the scientific historical school of Oxford, but men will always be interested in inquiring why the French Revolution happened, and such chapters as this of Lecky, a blending of speculation and narrative, will hold their place. These volumes have much well and impartially written Irish history, and being published between 1878 and 1890, at the time that the Irish question in its various forms became acute, they attracted considerable attention from the political world. Gladstone was an admirer of Lecky, and said in a chat with John Morley, "Lecky has real insight into the motives of statesmen. Now Carlyle, so mighty as he is in flash and penetration, has no eye for motives. Macaulay, too, is so caught by a picture, by color, by surface, that he is seldom to be counted on for just account of motive." The Irish chapters furnished arguments for the Liberals, but did not convert Lecky himself to the policy of home rule. When Gladstone and his party adopted it, he became a Liberal Unionist, and as such was elected in 1895 a member of the House of Commons by Dublin University. In view of the many comments that he was not a success in par-

liamentary life, I may say that the election not only came to him unsought, but that he recognized that he was too old to adapt himself to the atmosphere of the House of Commons; he accepted the position in the belief which was pressed upon him by many friends that he could in Parliament be useful to the University.

Within less than three years have we commemorated in this hall three great English historians, Stubbs, Gardiner, and Lecky. The one we honor to-day was the most popular of the three. Not studied so much at the seats of learning, he is better known to journalists, to statesmen, to men of affairs, in short, to general readers. Even our Society made him an Honorary Member fourteen years before it did Gardiner, although Gardiner was the older man and two volumes of his history had been published before Lecky's "Rationalism," and two volumes more in the same year as the "Morals." One year after it was published "Rationalism" went into a third edition. Gardiner's first volumes sold one hundred and forty copies. It must, however, be stated that the Society recognized Gardiner's work as early as 1874 by electing him a Corresponding Member.

It is difficult to guess how long Lecky will be read. His popularity is distinct. He was the rare combination of a scholar and a man of the world, made so by his own peculiar talent and by lucky opportunities. He was not obliged to earn his living. In early life by intimate personal intercourse he drew intellectual inspiration from Dean Milman, and later he learned practical politics through his friendship with Lord Russell. He knew well Herbert Spencer, Huxley, and Tyndall. In private conversation he was a very interesting man. His discourse ran on books and on men; he turned from one to the other and mixed up the two with a ready familiarity. He went much into London society, and though entirely serious and without having, so far as I know, a gleam of humor, he was a fluent and entertaining talker.

Mr. Lecky was vitally interested in the affairs of this country, and sympathized with the North during our Civil War. He once wrote me: "I am old enough to remember vividly your great war, and was then much with an American friend — a very clever lawyer named George Bemis — whom I came to know very well at Rome. . . . I was myself a decided

Northerner, but the ‘right of revolution’ was always rather a stumbling block.” Talking with Mr. Lecky in 1895, not long after the judgment of the United States Supreme Court that the income tax was unconstitutional, he expressed the opinion that it was a grand decision, evidencing a high respect for private property; but in the next breath came the question, “How are you ever to manage continuing the payment of those enormous pensions of yours?”

It is not, I think, difficult to explain why Stubbs and Gardiner are more precious possessions for students than Lecky. Gardiner devoted his life to the seventeenth century. If we may reckon the previous preparation and the ceaseless revision, Stubbs devoted a good part of his life to the constitutional history from the beginnings of it to Henry VII. Lecky’s eight volumes on the Eighteenth Century were published in thirteen years. A mastery of a mass of original material such as Stubbs and Gardiner mastered was impossible within that time. Lecky had the faculty of historic divination which compensated to some extent for the lack of a more thorough study of the sources. Genius stood in the place of pains-taking engrossment in a single task.

The last most important work of Lecky, “Democracy and Liberty,” was a brave undertaking. Many years ago he wrote: “When I was deeply immersed in the ‘History of England in the Eighteenth Century,’ I remember being struck by the saying of an old and illustrious friend that he could not understand the state of mind of a man who, when so many questions of burning and absorbing interest were rising around him, could devote the best years of his life to the study of a vanished past.” Hence the book which considered present issues of practical politics and party controversies, and a result that satisfied no party and hardly any faction. It is an interesting inquiry who chose the better part,—he or Stubbs and Gardiner. They emulated the philosopher of whom Plato wrote: “He is like one who retires under the shelter of a wall in the storm of dust and sleet which the driving wind hurries along.”

The PRESIDENT directed attention to a fine photographic reproduction of Lenbach’s painting of Theodor Mommsen, which had been given to the Society by Rev. Edward J. Young, D.D., and called on Hon. CARL SCHURZ, an Hon-

orary Member, who read the following characterization of the historian : —

When our worthy President, Mr. Adams, did me the honor of asking me to address this distinguished company on the works and career of our departed Honorary Member, Theodor Mommsen, I first recoiled with terror from a task which, as I thought, to be worthily performed, required an intimate and fresh knowledge and critical survey of the great man's writings and doings by a man far more competent than myself. But Mr. Adams persuaded me that nothing of the kind was expected on an occasion like this, and that a few words of appreciation of the merits of the departed member would be sufficient. This assurance took off the edge of my fright.

I had the good fortune many years ago, in 1868, of coming into personal contact with Professor Mommsen, not, indeed, enough to establish any sort of intimate relations between us, but enough to give me a distinct impression of his personality. He was born in that part of Germany from which Hengist and Horsa issued to invade Britain, and he seemed to me to have himself something of the Viking in his nature. There was a merciless thoroughness of purpose and method in his historical truth-seeking, a sort of ferocious glee in the manner in which he played havoc with so many legendary romances which had become familiar and dear to the popular mind, that the reader of his history of Rome and of some of his short monographs would be inclined angrily to resent the forceful superiority of knowledge which was blazing upon him, and to yield finally with a sort of sullen submissiveness to the almost brutal but fascinating power of it. And when I speak of the reader, I speak of myself, remembering as I do my first reading of Mommsen's Roman history. That was many years ago, — so many years, indeed, that not a clear memory in detail of what I did read is before my mind, but rather the peculiar impression it made upon me, and of the clearness of the light in which suddenly Rome appeared to me, — the character of her people, her customs and institutions and policies, and the source and development of her mastership.

Mommsen's literary style was indeed superior in quality to that of most of the German historians, being strong and definite and direct, and clear in statement and narration. But

there was something rugged in it, as there was in the man, something sturdily veracious for the truth's sake, something disdainful of the pursuit of elegant and artistically graceful and picturesque diction. I may remark here by the way that Mommsen in this respect may claim the benefit of being judged according to the conditions surrounding him. If German prose, especially historical, or, more generally, scientific prose, is in point of elegance not so highly developed as the prose of French and of English literature, this is in my opinion largely owing to the German Universities. A German scholar who cultivates gracefulness of expression is in danger of being counted among the superficial who hide a lack of thoroughness in research, or a lack of profoundness in ideas, under ornamental heaps of fine-sounding language. This is a tender point with the German scholar, and to escape the suspicion of superficiality, he is tempted rather to avoid than to cultivate elegance of style. This tendency has had a decidedly unfavorable effect upon the development of German prose. Things are in this respect perceptibly improving of late, and there are some German prose writers now of graceful and lucid fluency; but at the time when Mommsen wrote his Roman history the tendency I mentioned still had strong sway. I will not say that he avoided elegant writing for fear of compromising his character as a scholar—for he did not fear anything—but while he was superior in style to most of his colleagues, his surroundings did not furnish any incitement to the special cultivation of it, and he wrote according to his impulsive and energetic nature.

His historical studies did not serve to withdraw Mommsen from an attentive interest in the public affairs of his time, but rather inspired him to take an active part in them. He plunged resolutely into the revolutionary stream of 1848, and soon lost his professorship at the University of Leipzig in consequence of his participation in the popular uprising in behalf of the national constitution framed by the German Parliament at Frankfort. A professorship was offered to him in 1852 at Zurich in the Swiss Republic, but the Prussian Government soon felt that it could ill-spare a scholar like Mommsen, and called him in 1854 to a chair in the Breslau University. Four years later he was offered a professorship in the University of Berlin,—a mark of high distinction. But his official posi-

tion did not restrain him from proclaiming his political principles and from criticising the course of the government, which he did in his pugnacious way whenever provoked by occasion. In fact, his unsparing criticisms brought him now and then into direct conflict with the authorities, among others with that most uncomfortable of antagonists, Prince Bismarck. But he always bravely held his own, and not seldom made those who had attacked him or responded to his attack sorry for having done so.

He denounced with characteristic vigor the conduct of the United States in making war upon Spain and following it up with an imperialistic policy of conquest, but, at the instance of his friend the American ambassador, Andrew D. White, he withdrew the magazine article in which his indignation had found expression. Likewise he condemned with extreme warmth the subjugation of the Boers by Great Britain, and in this case the explosive utterance of his sentiments was not withheld from the public. But it was by no means a feeling of hostility to the two countries concerned which inspired these bursts of resentment; on the contrary, it was rather the bitterness of disappointed love; for upon the free principles of the English and the American governments his hopes for the future progress of mankind were founded, and it was a terrible shock to him to see occasion for thinking those principles violated by the very nations whom he had believed to be not only their most powerful but also their most faithful exponents.

The keen watchfulness with which he observed the political developments of his time, and the zest with which he took an active part in them, gave a peculiar interest to his historical writings; for keeping in mind that human nature is always the same and that like causes are always apt to produce like effects, his understanding of the past was illumined to him, and through him to his readers, by the light thrown upon it by the present, and imparted to his presentation of men and events and conditions the vivacity of personal acquaintance. I think it is not too much to say that, having read the so-called standard histories of Rome, and then reading Mommsen, you would feel as if you had received an entirely new revelation, making antiquity live in our day.

It is needless to speak of his almost boundless working capacity, his indefatigable industry, and his rare mastery of

detail which enabled him to produce such works as the "Corpus Inscriptionum Latinarum" and various other works of the highest value as treasure-stores of carefully collected and critically sifted information. Nor need I describe how popular a figure he was in the great German capital, how his caustic sayings passed from mouth to mouth, and how the burning of his white hair, the "destruction of his beauty," as he called it, caused a sensation in Berlin like an event of importance. It certainly is a matter of great satisfaction to the whole world of science and letters that when he passed away from among the living, all ranks of society, from the proudest monarch to the most modest citizen, put their wreaths upon the bier of a man whose claim to such honor consisted simply in his being one of the greatest scholars and historians of his age.

Mr. JAMES SCHOULER, from the section for the day, read the following paper which had been postponed from the last meeting : —

The Massachusetts Convention of 1853.

Massachusetts, as you are aware, is the only State in the Union whose people live under a constitution framed in the eighteenth century and modified to the present date by amendment only. Our instrument of Federal Union dates back to 1787 ; but that of Massachusetts was framed seven years earlier, serving in some respects as a model ; and ancient expressions may still be read therein, never formally repealed, which assert a State sovereignty long since annulled in effect by virtue of the supremacy gained by the government of the United States.

Massachusetts has always stood upon her own ways and methods, little influenced by the precedents of sister States, but insistent upon setting her own historical example while tenacious of her ancient customs. Never but twice since that well-matured instrument of 1780 was accepted at the polls as the flower and full consummation of all Revolutionary plans for State government, has a convention been called on our soil to consider even the project of a substitute. The first of those conventions, which met at the State House on Beacon Hill in 1820, resulted simply in proposing to our people fourteen articles of amendment, nine of which were adopted by the

voters, including a definite scheme for incorporating specific amendments thenceforward without resort to a convention at all. Our second constitutional convention was that of 1853, which, likewise held at the Boston State House, submitted its results more ambitiously in the shape of a new and modernized constitution; but this failed wholly at the polls, though influencing, as we shall see, some important changes which came, a few years later, through the simpler process of amendment. Other modifications of our basic law have been made from time to time, mostly of the minor sort. But the briefest comparison of our present constitution as a whole with those at this day of sister States reveals great differences. Massachusetts still holds to annual elections, once but no longer regarded throughout New England as an essential safeguard against tyranny. The Governor shares his executive functions, as in no other State, with a secret Council, once deputed from the Senate or upper house, but now quite distinct from the Legislature in its mode of selection, and devoid of the positive character it bore in colonial times, when serving as a sort of popular check upon the King's vicegerent. Our Legislature of two houses holds annual sessions, with all its members annually chosen; and the costly fermentation of resolves, public hearings, and the making and unmaking of the laws occupies about six months of each calendar year. Such organic restraints upon legislative authority as are now found in most other States imposed by the people, are here almost wholly wanting; and the length of sessions, the recompense of members, discretion between special and general legislation as to the borrowing or appropriation of money, the creation of public debt, or the chartering of corporations,—all such matters are for the most part regulated and defined in Massachusetts, not by fundamental and permanent provisions, but simply by the laws of one annual legislature which the next is wholly competent to modify or repeal. Public agitation procured here, not many years ago, the formal proposal of a single constitutional amendment for biennial sessions of the legislature, but that proposed amendment failed of adoption at the polls.

My object, in the present paper, is to set forth concisely the doings of our second Massachusetts convention,—that of 1853,—which submitted results to the people just about half a

century ago. The agitation for that convention came from the so-called coalitionists, — Free-Soilers and Democrats, — who had wrested the control of our Commonwealth from the Whigs in 1850, following the ill-starred compromise measures of that year in Congress. After repeated proposals from the Legislature under their party guidance, our people voted in favor of holding such a convention, and delegates were chosen thereto from all the towns and cities in March, 1853. The convention met on the 4th of May, that same year, and after a session of seventy-two days dissolved on the 1st of August, with due provision for submitting its work to the people in the following November. Three portly volumes, edited and published by authority, contain the whole proceedings of this deliberative body, set forth word for word and vote for vote, just as contemporaneously reported by the stenographers ; and with an appendix, moreover, showing officially the tabulated results at the polls, and other essential documents, we have for historical study a record almost unprecedented in fulness and substance for a popular assembly of the kind, and materially complete and trustworthy. They who convoked and constituted this convention must have looked for fame, like Cæsar, when he “ bade the Romans mark him and write his speeches in their books.”

This assemblage, as chosen, numbered somewhere about four hundred and twenty members ; a few, however, who had been elected, resigning at once their seats by way of signifying non-acceptance, so as to leave the vacancies unfilled. So crowded, indeed, were the delegates in the Representatives' Hall at the State House,— many of them being seated in the gallery, while few who debated could be heard in every part of the chamber,— that members were disposed to transfer the sessions altogether to some other hall in the city, such as the Lowell Institute. This the coalitionists were disposed to favor inasmuch as the Legislature of the year, which had not yet adjourned, was somewhat reactionary and of a Whig complexion. But respect for precedent prevailed, and by the time the convention got fairly to work it had the State House to itself, except for the quiet executive offices, where Whigs once more ruled as in years more remote. The convention of 1820 which had sat in this hall appears to have been almost as numerous ; and probably there was never

a session of this later body when all the members were present.

George S. Boutwell, the most illustrious and almost the only survivor of this convention of 1853, has expressed the opinion that it was "the ablest body of men that ever met in Massachusetts";¹ meaning by this, no doubt, to compliment both majority and minority elements. For while, of that former convention of 1820, Daniel Webster and Joseph Story were distinguished members, as also the venerable John Adams, who declined because of infirm age the honor of presiding officer, its average ability as a whole was much inferior. The year 1853 was in fact exceptionally favorable for calling out the best character and ability of the two opposing parties in the State. That temporary coalition of Free-Soilers and Democrats was already losing its brief hold upon the people, though strong enough still to carry its choice leaders into this convention and to constitute a decided majority. For in the November elections of 1852 the Whigs had, by a strong rally, gained control of the Legislature for 1853 and elected John H. Clifford governor; and, notwithstanding the overwhelming national defeat that year of the presidential ticket headed by Winfield Scott, Massachusetts stood true and loyal to the Whig national candidates and Whig principles. In the approaching yearly election of 1853 they were destined to win one more State victory and the last. Hence the Whig delegates chosen this spring to the present convention made up a remarkably strong minority, with able representative men from every county in the State, and local leaders many of whom had done good service in the past and won prestige. Edward Everett was not a member of this convention, nor was Robert C. Winthrop, but both received still higher honors from their party. Daniel Webster had passed away the year before. None of the Amorys, the Hoars, the Higginsons, the Eliots,² the Lawrences, the Otises were here; scions of the great Adams, Phillips, and Quincy families were wanting.

¹ Boutwell's Reminiscences, vol. i. p. 225. On the 7th of July, 1903, ex-Governor Boutwell, ex-Congressman Robert T. Davis of Fall River, and Silas Dean of Stoneham met in Boston for dinner, as the last known survivors of this convention at that late date. But it later appeared that a few other members were still living.

² Samuel A. Eliot, who was chosen on the Boston list, sent in promptly his resignation, thus virtually declining an election.

Abolitionists of the Garrison school never figured in practical politics, nor were literary writers or special educators to be seen here. But among prominent men of affairs in the State, of differing political antecedents, both the past and the future in eminence contributed its quota. Boston returned a solid Whig delegation, chosen, as was then customary, upon a general ticket; Sidney Bartlett, Francis B. Crowninshield, Rufus Choate, John C. Gray, Henry J. Gardner, George S. Hillard, Samuel K. Lothrop, Nathan Hale, William Schouler, J. Thomas Stevenson, and George B. Upton being of the number. Cambridge sent strong Whigs in Isaac Livermore and John Sargent, with two famous professors in Harvard's Law School, Simon Greenleaf and Joel Parker. Otis P. Lord of the same party was a Salem delegate; and from Essex County came also, among coalitionists, Henry K. Oliver and the aged Robert Rantoul, whose promising son had died soon after his election with Charles Sumner to the United States Senate. Middlesex County supplied some of the most distinguished members of the majority: Nathaniel P. Banks, Jr., of Waltham, Henry Wilson of Natick, Josiah G. Abbott and Benjamin F. Butler of Lowell, and Richard Frothingham, Jr., of Charlestown; while Charles R. Train, an able Whig, represented Framingham. From Norfolk County came Francis W. Bird of Walpole; from Plymouth County Moses Bates, Jr., of Plymouth; from Bristol County, ex-Governor Marcus Morton of Taunton; all these were reckoned among the majority. Worcester County sent as coalitionists Charles Allen, Isaac Davis, and John M. Earle of Worcester, besides Amasa Walker of North Brookfield. On the Whig side from the western part of the State came George N. Briggs of Pittsfield, Whig governor of the State for many years and a plebeian beloved of the patricians; Julius Rockwell, a Whig, from the same town, and Henry L. Dawes from Adams; while Henry W. Bishop of Lenox and Chester W. Chapin of Springfield sat as Democrats. Others on the roll of this convention were worth mentioning, all able and honorable men.

Under the act which assembled this convention, a citizen of Massachusetts might be chosen delegate from any town or city where he was not resident; and to such a provision several of the most prominent men on the majority side owed their seats, whose local constituencies were against them. Charles

Sumner, of Boston, was thus chosen from Marshfield, his own city siding with the Whigs; Richard H. Dana, Jr., sat, not for Cambridge, but for his paternal town of Manchester; Benjamin F. Hallett, a strong Boston Democrat, was chosen for Wilbraham. Among others who sat for towns in which they did not reside were Whiting Griswold of Greenfield, Edward L. Keyes of Dedham, S. B. Phinney of Barnstable, and D. W. Alvord of Greenfield. Anson Burlingame, the fiery young Free-Soil orator of Cambridge, was chosen by Northborough, a town he had never seen; and the method by which George S. Boutwell, the ex-Governor, was made a delegate, was still more remarkable, Groton and his fellow-townsmen having failed him at the polls. It happened that Henry Wilson, to make sure of his own election, had stood as a candidate for two places, Natick and Berlin; both of which towns chose him to the convention. Thereupon he accepted the one election and declined the other, urging the convention at his earliest opportunity to order a new election for Berlin. The vacancy he meant for his friend and party associate Mr. Boutwell. An eager debate sprang up at once in the convention over this anomalous situation,—for other vacancies were left unfilled,—and the manner in which the new election should be ordered was warmly discussed. The majority view prevailed; and, chosen presently to the vacancy, under a secret ballot rule, Mr. Boutwell took his seat before the close of May in this convention,—the delegate, like Burlingame, as he tells us, of a town he had never seen.

Boutwell's Reminiscences make note of the fact that in several instances both father and son served together in this body. His own father sat as a delegate from Lunenburg. Besides Marcus Morton, Sr., from Taunton, twice governor of Massachusetts by a meagre vote, came Marcus Morton, Jr., from Andover, who rose later to be chief justice. Samuel French and Rodney French sat likewise as father and son. Several eminent members of the convention added at this time the "Jr." to their own surnames,—Banks, Dana, Bates, and Frothingham being thus denoted.

The convention was called to order by the venerable Robert Rantoul, as senior delegate and survivor from the former convention of 1820. The test of opposing party strength followed in the election of presiding officer; and Mr. Banks of Wal-

tham, who had for two years served with acceptance as speaker of the coalition House, was chosen president of this convention on the first ballot by a vote of 250 to 137, over ex-Governor Briggs, upon whom the opposition had united. There were two secretaries, William S. Robinson, clerk of the House in a later era, and James T. Robinson, afterwards a judge of probate. Rev. Dr. Samuel K. Lothrop, of the Boston delegation, made both the opening and closing prayer of this convention, at the request of his fellow-members. On the sixth day's session President Banks appointed committees to consider the various details of the existing constitution and report such changes as might seem desirable. Upon the various committee reports came the chief debates, as also the chief voting, first in committee of the whole and afterwards in convention. The principal chairmanships went to Messrs. Sumner, Wilson, Griswold, Davis of Worcester, and Morton of Taunton. Upon Mr. Boutwell devolved in due time the chairmanship of still another committee, appointed to prepare the draft of a new constitution.

The index to the three official volumes which I have mentioned confirms a careful study of their pages as to the men who actually led in this convention, and the chief topics which entered into discussion. Only 234 members — or little more than half the whole number chosen — took part in the proceedings at all, further than possibly to record their votes. And the voting tables show that, whenever an important proposal came to a positive test, very many of the members would absent themselves, or while in their seats refrain from voting. Ninety men all told, or rather more than one-fifth of the delegates, took a really active part, and to these should belong the chief honors, since they bore the chief burden. On the majority side led Henry Wilson, of later renown in the United States Senate, president of the Massachusetts upper house in recent years, and a coalitionist of Whig and Free-Soil antecedents. His capacity for discussion in a deliberative body never shone brighter than in the present one. Boutwell, when once an admitted member, was his strong coadjutor; a Free-Soil Democrat, and lately for two successive years the coalition Governor of the State. On occasion Griswold, Bird, and Keyes, all of whom were Free-Soilers, gave them good support. Of the coalition contingent which was more strictly

Democratic, Benjamin F. Butler was perhaps most frequently in evidence; a debater adroit and ready in such a gathering, pungent and pugnacious in his remarks, so as sometimes to hurt rather than help the cause he chose to espouse, but always entertaining the many present by his ready wit, sarcasm, and spicy personalities. With more dignity and decorum Benjamin F. Hallett, an old-fashioned Democrat, was a pronounced advocate on the same side; and also Josiah G. Abbott, a lawyer of growing reputation.

Against such opponents the Whigs had chiefly to assert strongly their own views and then be voted down; but the ability and good humor with which they met the adversary and exposed his fallacies while pressing proposals of their own, won them afterwards at the polls a substantial triumph. Such leaders used diversely their diverse gifts of political experience. Among progressive Whigs who came to this convention, not simply to obstruct, but as really desiring to amend the constitution in some respects, William Schouler, an experienced journalist and legislator, was the most constant and conspicuous champion on the floor; he was about to remove this year to Ohio to take up there a new career in journalism, never expecting to live in Massachusetts again. On effective opportunity ex-Governor Briggs gave him a hearty and sympathetic support, and so at a particular crisis did Charles R. Train. Richard H. Dana, Jr., was an impressive man in this convention, and made several excellent speeches; but his course was too independent to secure him a strong following, and his vote and influence went rather against his former Whig associates, at the same time that he did not wholly identify himself with the coalition. Of Whig conservatives who fought chiefly by obstruction, Otis P. Lord and George S. Hillard, strong and forcible debaters, were prominent, making many a sharp thrust at the majority. The former, soon to be chosen speaker of the last Whig House of Representatives that ever sat in Massachusetts, freely ridiculed the solicitude of his present adversaries on behalf of "the people," "the dear people," and declared that he himself went much beyond any of them by liberally including under such a designation "all the nursing babies and their mothers."

Other men eminent and conspicuous in this convention—and those especially who had been chosen on the Whig and

minority side—gave less constant attendance from day to day than those I have mentioned, but on occasion would deliver after due preparation effective speeches. Able and distinguished lawyers, who otherwise were seldom heard, hastened to take part when some abstruse professional point was raised or the judiciary establishment came under discussion. Pre-eminent among such speakers was Rufus Choate, the most brilliant and remarkable man in this whole body, as party friends and foes have equally conceded.¹ It was his great speech of July, against changing the judicial tenure for life or good behavior, which more than any other utterance in the whole convention carried eventually the people against the submitted changes; and one eloquent passage of that speech long lingered in men's memories, in which he described the character of the upright judge in verses solemnly recited from the Book of Job. In an earlier speech here and on an earlier occasion he adjured his fellow-members to "spare the rust of the constitution"; but that expression led some of his fellow-Whigs to declare that they for their part wished a constitution without rust of any kind,—bright and scoured, if need be, to suit the needs of the living age. Choate in these weeks stood up manfully for Massachusetts institutions as they were; defining his native Commonwealth as "an aggregate of social and political perfection; absolute security, combined with as much liberty as you can live in."

Some among the delegates won less praise by their presence in this convention than posterity has inclined to award them presumptively, upon their permanent merits. On the Whig side, particularly, were many men of superior cast who for one reason or another—and, likely enough, chiefly because the convention was so completely out of their own control—took little pains to influence its deliberations. Among these were some of the Boston delegates, prominent in other pursuits of life. Julius Rockwell, who soon won the best of fleeting public honors such as Massachusetts Whigs had still to bestow, was to all intents among the silent members here. Henry L. Dawes, also from thrice-renowned Berkshire County, whose long and illustrious career was soon to

¹ Mr. Choate during this year (1853) served as Attorney-General of the Commonwealth, appointed under the older method, and John H. Clifford himself succeeded to that post, after serving the present year as Governor.

commence in Congress on a broadening sphere as Representative, confined his present remarks mostly to the dry topic of loaning the State credit, being spokesman on behalf of his Hoosac Tunnel constituents. Charles Sumner himself, though prominently placed in this convention as chairman of a responsible committee, was far from giving such practical direction as his talents and high character, or his successorship at Washington to the great Webster, might have led his party to expect. At this early date, indeed, he was much less qualified than many of his present associates for leading or impressing a large deliberative body; and the few speeches which he made here were too polished and oracular, too erudite, not to add too lengthy, to suit so critical an audience. On the well-discussed question of a district system for the Massachusetts House of Representatives, he took the floor, July 7, and occupied nearly the whole forenoon with a learned speech full of historical citations, ancient and modern, not many of them pertinent, to enforce the illogical stand of the majority; and its chief effect was to induce the convention to make presently a new rule which limited all future speeches to an hour. Later in the session, when the still shorter limit was fixed of fifteen minutes, he brought forward his report as chairman of a committee while the convention sat in committee of the whole; and the hammer fell before he had finished his exordium. The courteous occupant of the chair was disposed to rule that by a simple vote then and there the restriction of time might be suspended in his favor; but some members contending, on the contrary, that no suspension of such a rule was proper without reporting back from committee of the whole to the convention itself, Mr. Sumner, somewhat in chagrin, cut discussion short by peremptorily refusing to extend his remarks.

The dignity and decorum of this great assemblage was in general well maintained through many long weeks of mid-summer heat. Sallies interchanged in debate were given and received good-naturedly, and if ill-feeling was ever engendered some judicious delegate stood ready to allay its exhibition by his timely and tactful diversion. To this arose a single exception, which I may here recall, since it remains in print and of permanent record. Mr. Dana's espousal of the majority plan of House representation, which Bostonians deemed unfair

because so partial to the small towns and so oblivious to the test of numbers, led his personal friend, Mr. Hillard, to remonstrate with him on the floor. The latter, a man fastidious and scholarly in speech, inclining to Shakespearian quotations and figurative expression, recalled that both he and Mr. Dana, as fellow-practitioners at the Boston bar, owed much to influential clients who resided in that city; and it did not become them, he added, to strike at the hand that fed them. Mr. Dana's quick response was that of lofty indignation: "The hand that feeds us! the hand that feeds us! No hand feeds me that has any right to control my opinions!" So far as these two gentlemen were concerned nothing more was heard in discussion; rejoinder must have been impossible, for the righteous reproof given by Mr. Dana was complete. But unfortunately the news of this little encounter upon the floor spread in and out of the convention, and Mr. Hillard, who was sensitive in spirit, suffered keenly from the misconception or hyper-construction given far and wide to his remarks. Opponents in the convention soon made pointed allusion to this episode, as though to emphasize the subservience of Whig professional men to the rich and powerful of the community. Mr. Butler of Lowell, one of these opponents, employed the taunt repeatedly in open and offensive derision; the second occasion being in the course of a debate upon probate judges, wherein he contended that if judges could only be made elective by the people their manners on the bench would become less overbearing. Mr. Hillard bided his time, and then arose to make some further remarks which he had carefully pre-meditated. Paying his personal respects to tormentors in the convention who had so perverted from its intended meaning his unfortunate phrase concerning "the hand that fed him," and explaining what he really meant by it, he entered the discussion as though to justify the present manners of the bench. There were members of the bar, he contended, who themselves gave offence; "swaggering about the court-house with the port and bearing of a bar-room bully, insulting witnesses and treating opposing counsel with indignities studied and un-studied." "So long as we have jackals and hyenas at the bar," he concluded, "I hope we shall have a lion on the bench, who with one stroke of his vigorous paw can, if need be, bring their scalps right down over their eyes." No name was men-

tioned by him, but the force of the intended application was perceived at once; and Mr. Wilson was quickly on his feet, calling the gentleman to order for applying such harsh and bitter language to any fellow-member of the present convention. But the sense of this body was evidently to leave the blow where it had fallen, and the debate upon probate judges soon resumed its usual channel. Both antagonists were in a few days taking each his regular part in debating, with their customary composure, though with an evident wish to avoid personalities for the rest of the session; Mr. Butler merely remarking, in a jocose way, when he next arose to speak, that some of his fellow-members seemed to regard him as a hyena.¹

The sudden death of one respected member, Francis R. Gourgas, of Concord, who had taken a somewhat prominent part in the earlier debates, left its chastening effect upon this convention, whose closing weeks happily were characterized by reciprocal good-will and forbearance. No speeches could have been more admirable or appropriate for warmth of feeling, united with simple dignity of utterance, than that of ex-Governor Briggs, which voiced the thanks of the convention to their able and impartial presiding officer; and Mr. Banks's own generous response when he declared the convention finally adjourned. I may here remark that the President had seldom spoken or voted in the convention, but confined himself closely to his official functions.

It has generally been conceded, by the friends and foes alike of this distinguished body, that the total failure of its work at the elections which followed in November was due, most of all, to the unwise and unexpected attempt made to change the judicial tenure; and some of the disappointed leaders of the majority have inclined to attribute their abor-

¹ It should be mentioned that another of those to whom Mr. Hillard had bitterly alluded in the speech above quoted, as taunting him over "the hand that fed him," made his own personal rejoinder at a later day; whereupon the gentleman from Boston, after assurances that he cherished no unkind feeling towards this latter speaker (Mr. John B. Alley, of Lynn), expressed his final regret to the convention for the tone of personal justification into which he had recently fallen, and desired that the whole episode be forgotten. But the phrase was long remembered by Mr. Hillard's contemporaries. In Boutwell's Reminiscences will be found a passing allusion to it, while the Dana-Hillard controversy is described, with some other interesting details of the convention, by our President, Charles Francis Adams, in his Life of Richard H. Dana, the data being largely derived from Mr. Dana's own diary. Adams's Dana, vol. i. pp. 233-250.

tive efforts to that cause alone. A careful analysis of the popular vote, as tabulated, seems hardly to justify the latter inference. The coalitionists here displeased the people in other respects, and the evident intent of our voters was to shame them utterly. For we must not picture this incohesive coalition majority as a zealous band of blind but consistent reformers. On the contrary, they felt already that their popular influence was lapsing, and their leaders stood for various plausible changes, which were lamentably deficient, in the hope of maintaining their aggregate strength in the State. But the Whig minority outgeneraled them in the convention, and stood in the main for changes which rested upon sound and consistent principle. They better interpreted what at this time the people of Massachusetts really wanted by way of reform. The majority, on the other hand, did not fairly trust the people whose rights they championed, nor even attempt to do as they had promised ; so, as one of their own number expressed it in debate, the conservatives had got upon the engine while the radicals stood at the brake.

Two leading topics, the proper basis of representation for the House and the application of the plurality rule in elections, well illustrate this political contrast. To arrange for a Legislature smaller and more exact in total membership than hitherto, and of symmetrical composition, was a change felt highly desirable at that particular time. The majority framed well a new Senate upon such a plan, with the counties of the State cut up into contiguous districts of equal population ; but when it came to the House, they chose, perhaps out of deference to their own rural supporters, to retain town representation largely, as before, to the detriment of cities. In short, the precise basis of numbers and population, though good for the Senate, was not equally good for the House ; and the Whigs — those of Boston in particular — took immediate ground that Senate and House ought both to be based upon equal representation under a district scheme, that the equal rights of mankind should in each case be respected. Driven by pressure of argument and the force of outside sentiment, the coalition majority, while still insisting upon their incongruous plan, consented that, after a census taken in 1855, the Legislature in 1856 might at discretion take the sense of the voters once more ; changing, should the referendum so re-

sult, to a House arranged by districts upon a popular basis of numbers similar to the Senate. On the plurality question the majority brought forth a like crude result, and then yielded a still weaker concession. Insistence upon a majority vote for elections, with re-trial or a legislative selection in case of failure, fostered great practical evils, which other States of the Union had already corrected in their constitutions, and there were Whigs in this convention who desired quite as heartily to see the plurality rule adopted in Massachusetts as the coalitionists, whose appeal for a convention had in fact promised to the people such a change. But when it came to action the majority had not the courage of their conviction ; and the proposal they decided to submit gave only half the loaf of reform. In county elections for Senators and Councillors the plurality rule was to apply ; but a majority vote should still be required to elect as before, where other candidates for office were concerned. Hence, if the Governor or other high officials of the executive branch should fail of a majority at the polls, the election would be thrown into the Legislature—the older plan prevalent in these American States, and a standing menace still in our Federal constitution ; while if Representatives or municipal officers failed of a majority, re-trials must follow until some one was thus chosen. This shilly-shallying with a principle the Whigs derided, and they pressed so strongly for a full and comprehensive plurality rule in all elections that at one stage of the convention, sustained by public opinion outside, they brought the vote to a tie, — the closest approach to victory in any measure they here proposed. The casting vote of the presiding officer baffled them at that point ; and presently the convention majority produced a sop of compromise still less acceptable to the people than that on the Representative issue. While limiting the application of a plurality rule as before, they granted the right to any Legislature hereafter, allowing a year's interval, to substitute a full plurality rule for elections ; or, once again, with a similar interval, to go back to the present partial plurality plan as here adopted.¹

Even on the fatal issue of changing our judicial establishment the coalition majority dealt crudely with the subject ; once more irritating the people without satisfying themselves.

¹ As to this "plurality patch-up," Josiah G. Abbott observed that the lion's skin was not one-quarter big enough to hide what was beneath it.

When considering county and municipal officers, they placed judges of probate among the other county officers, to take their chances henceforth in a triennial election ; they applied a like local test of the elective suffrage to judges of police courts and to trial justices. But when it came to the high courts of justice in this Commonwealth, where the double dignity of life tenure, and of executive appointment or promotion had long protected the incumbent in the safe seclusion of honest independence, the convention majority laid ruthless hands on the one safeguard, while leaving the other untouched. In other words, they proposed for the people no share in the choice of such incumbents, but the incumbency itself was to be reduced from a tenure for life or good behavior to a brief and specific ten years, with only the doubtful chance for a reappointment. Any good and acceptable judge may be re-elected openly at the polls when his ten years' term runs out, if popular suffrage be relied upon ; but what stability can he expect by doing well his work, if his continuance in office is to depend upon a chief executive, chosen for a single year, whose secret pledges or obligations to rivals for the vacancy are not for disclosure ? And here it is worth observing that this constitutional invasion of the judicial sphere came unexpectedly to the people of Massachusetts, who had not been apprised of any cherished intention to propose changes in that respect ; and that the shrewdest of the coalitionists were themselves reluctant to meddle with such matters. Marcus Morton, senior, of Taunton, who was chairman of the committee on amendments in this respect, reported in favor of vesting judicial power in the supreme judicial court and such other courts as the Legislature should from time to time establish ; in favor, likewise, of abolishing the pronouncement of opinions by the supreme justices at the request of Governor or Legislature ; but he reported unfavorably from his committee in respect of further changes. Mr. Wilson, however, led the more radical of the majority in overriding this committee and causing a final adoption of the changes I have mentioned. The Whigs, on the other hand, stood strongly for the existing judicial establishment unaltered, and, as the event proved, the voters of Massachusetts were with them.

By no means, therefore, did the convention of 1853 show in its responsible results the full courage of radical convictions

for reform, and to their own shortcomings its majority owed chiefly their disastrous failure at the polls in November. To sum up briefly the proposed changes, the text of the old instrument was well treated ; "the rust of the constitution" disappeared, and the time-honored tablets of our fundamental law remained substantially as before, with the original language, structure, and phraseology well preserved. This work was quietly done in committee towards the close of the session and called out little or no adverse comment. Criticism and contention came rather upon the provisions, newly incorporated by the convention, after debate. These, in addition to the changes I have mentioned,—as to the judiciary, as to the representative basis for a legislature, and as to the plurality vote in elections,—embraced some minor ones of consequence. Sessions of the Legislature were by indirection limited to one hundred days, the recompense of members to be fixed and limited by standing laws. The property qualification of Governor and Lieutenant-Governor was abolished. The Council was made a self-sufficient body, chosen directly by the people in single districts, to mingle in the executive functions as before.¹ The Attorney-General, Secretary of State, Auditor and Treasurer, high officials hitherto appointed by the Governor or else chosen by the General Court, were hereafter to be elected by the people; thus bringing into the executive department each year a complete set of high functionaries, together with the Council, not one of whom would owe allegiance to either Chief Magistrate or the Legislature. County officers, who had hitherto been appointed by the executive or the courts, incumbents practically for a long period—namely, registers, sheriffs, clerks of courts, commissioners of insolvency, district attorneys, county commissioners,—all these, together with judges of probate, were henceforth to depend upon the local voters for a triennial election. All property qualifications, whether for voters or for public officers, were removed. Against Whig contention that a written constitution ought to prefer general to specific enumeration, the convention committed itself not simply to secret voting,

¹ Many of the coalition majority were for wiping out a council altogether, nor was it permitted to continue secret sessions without the condition that its records should hereafter be subject to public inspection at the demand of either branch of the Legislature.

but to secret ballot by the means of sealed envelopes furnished by the State — a method devised and sanctioned by the coalitionists in those years for the voters, but since superseded. Changes were proposed in respect of the militia; for asserting stronger State supervision of Harvard College; concerning the school fund; and for summoning constitutional conventions in the future once in twenty years, upon a popular referendum vote. The annual State elections were to be on the Tuesday following the first Monday in November, so as to conform to the rule of Congress for national elections.

Such were the main features of this new constitutional scheme which the convention of 1853 proposed at the polls for adoption; and it was decided to submit the draft of a new instrument containing all these changes together, with no chance for a vote upon any of the provisions separately. Proposition I. stood, therefore, for a direct vote of the people, yes or no: Shall this preamble, declaration of rights, and frame of government stand as the constitution of the Commonwealth of Massachusetts? Seven other propositions were separately submitted at the same time, embodying other changes which the convention favored, but left to stand each on its separate merits. II. Enlarging the present remedies by habeas corpus. III. Giving juries the right to determine the law and facts in criminal cases. IV. Favoring a judicial investigation of claims against the Commonwealth. V. Increasing the present restraints upon imprisonment for debt. VI. Against appropriating the school fund for the benefit of any religious sect. VII. To provide for business incorporation under general rather than special laws. VIII. For bank incorporation upon a like distinction, and so that bank notes should be redeemable in specie.

The vote of the people upon these eight propositions was taken throughout the State on the second Monday of the ensuing November; and the result showed that each and every proposition was rejected summarily at the polls. Proposition I., which embraced the new draft of a constitution incorporating the main schemes of the convention, was voted down by 63,222 yeas to 68,150 nays; and each of the other propositions, as submitted, failed by a vote more or less decisive, not one of them being carried at the polls. Proposition VI. (against using the school fund for sectarian purposes) nearly

prevailed ; while III. (giving juries the right to determine both law and facts) received at the polls a condemnation even more hearty and emphatic than the new constitutional draft itself. Suffolk County cast an immense vote against each and every proposition submitted for adoption ; Essex and Middlesex followed with an emphatic disapproval ; Hampshire, Norfolk, Plymouth, and Barnstable gave an adverse preponderance. But Worcester, Hampden, Franklin, and Berkshire Counties, all to the westward of the State, gave affirmative majorities, and so by a close vote did Bristol.

The same November elections of 1853 continued the Whigs in power. Emory Washburn, of Worcester, was chosen Governor, and once again, and for the last time in history, the great national party founded by Clay and Webster controlled our State Legislature in both branches. In this Whig body six articles of amendment were at once initiated for adoption, which the succeeding Legislature accepted and submitted separately to the people after the mode prescribed by our State constitution. These, in May, 1855, were all approved and ratified at the polls and became henceforth part of our fundamental law : (1) The plurality principle was adopted in its integrity for all elections of civil officers by the people. (2) The Tuesday next after the first Monday in November was established as the State election day. (3) Councillors were to be chosen by the people, under a scheme which laid out equal and contiguous councillor districts based upon the number of inhabitants. (4) The Secretary, Treasurer, Auditor, and Attorney-General were henceforth to be chosen by the people. (5) Provision was made against appropriating school funds for any religious sect. (6) Sheriffs, registers of probate, clerks of courts, and district attorneys (but not judges of probate as proposed in 1853) were henceforward to be chosen by the people.¹ Whigs and coalitionists having by this time passed out of Massachusetts politics together, while their influence lingered, two more amendments, adopted for proposal by the Legislatures of 1856 and 1857, were approved and ratified by the people May 1, 1857. These established for the future a legislature whose basis in both Houses (and not in the Senate alone, as proposed in 1853) should be that of con-

¹ See present amendments to the State constitution numbered respectively XIV., XV., XVI., XVII., XVIII., and XIX.

tiguous districts arranged according to the relative number of legal voters as established from time to time by a decennial census, the House to consist of two hundred and forty members and the Senate of forty.¹

All these eight amendments, which remain still embodied in the fundamental law of our State, were the direct and speedy result of the debates in the convention of 1853 and originated in proposals made on one side or the other; and whatever merit posterity may attach to those particular changes, and to the moulding of public opinion of Massachusetts in their favor, should be shared between Whigs and coalitionists, between the majority and minority leaders alike of that famous gathering.

NOTE. The following members of the Constitutional Convention were also chosen to our Massachusetts Historical Society, at an earlier or later date than 1853:—

Hon. Nathan Hale, LL.D., chosen 1820.

Hon. Charles W. Upham, LL.D., chosen 1832 and resigned 1852; not a member in 1853, but re-elected to the Society in 1867.

Hon. Rufus Choate, LL.D., chosen 1835.

Hon. Simon Greenleaf, LL.D., chosen 1837; died October 6, 1853, about a month before the proposed constitution was submitted to the vote of the people.

Hon. John C. Gray, LL.D., chosen 1841.

Hon. George S. Hillard, LL.D., chosen 1843.

Rev. George W. Blagden, D.D., chosen 1844.

Hon. Richard Frothingham, LL.D., chosen 1846.

Rev. Samuel K. Lothrop, D.D., chosen 1854.

Hon. Richard H. Dana, LL.D., chosen 1858.

Hon. William Appleton, chosen 1858.

Hon. Joel Parker, LL.D., chosen 1859.

Hon. Charles Sumner, LL.D., chosen 1873.

The hour being late, Mr. JOSIAH P. QUINCY, from the same section, presented the following paper by title:—

The Louisiana Purchase; and the Appeal to Posterity.

In an American city recently conspicuous before the world for what is corrupt and disheartening in democratic government at the present stage of its evolution, we are about to celebrate the purchase of the vast territory once known as Louisiana. The treaty with France by which this extensive domain was added to the confederated States which had chosen Thomas Jefferson as their chief magistrate, was

¹ See Amendments XXI. and XXII.

lauded — I may say officially lauded — in that city not many months ago. It is soon to be celebrated with yet more magnificence. The glory that has come to us from this extension of the Union will doubtless be contrasted — as it has already been contrasted — with the unpatriotic objections of certain “little Americans” (so an official personage recently called them) who asserted that the violation of the Federal Constitution embodied in the treaty with France was wrong in principle and likely to prove disastrous in outcome. That the Constitution, as it then stood, was violated has been admitted by men whose competency in judgment cannot be denied.

President Jefferson and his Secretary of State, James Madison, one of the framers of the great compact, head the list. Their names can easily be followed by those of eminent statesmen and publicists. One of Thomas Jefferson’s biographers is constrained to admit that in this matter “the Executive authority had to be stretched until it cracked.” And our associate Mr. Morse in his admirable life of the third President disposes of the subject after this fashion: “The Government was without Constitutional authority to make the purchase upon terms which substantially involved the speedy admission of the new territory in the shape of new States to the Union.”

Somewhat conspicuous among other remonstrants was Josiah Quincy, a representative from this State to that Congress when it was decided to carry out the most objectionable provision of the treaty with France by admitting Louisiana as an equal with the States which had agreed to unite for certain purposes under a general government. Alluding to his protest against the violation of the contract which established the Union, Mr. Quincy said: “By this people and by the event if this bill passes, I am willing to be judged whether it be not a voice of wisdom.”

A hundred years have passed since the Louisiana purchase, and by the voices most in evidence Mr. Quincy’s remonstrance is judged and condemned. Condemned also is the approval of his friend John Lowell who assured the congressman that his warning of evil to come from the admission of States to the Union, otherwise than by the means prescribed by the Constitution, would do him “more credit with posterity” than anything he had ever done. Well, posterity has arrived — that is, an infinitesimal portion of it — and with resonant

periods of rhetoric supported by din of drum and cannon, it is ready to dishonor the draft that Mr. Lowell drew upon it.

It is an acknowledged function of an historical society to sit as a court of appeal competent to reverse the hasty judgments passed by contemporaries upon some memorable event. Its jurisdiction may be stretched somewhat further. I think it may question the decisions of any of the ever-increasing sequence of posterities — even of that one among them which happens to be clamorous in its immediate environment.

There are two ways of regarding history. We are sometimes told — oftener to-day than ever before — that the turns and twists in its turbid stream simply register the results of cosmical and biological conditions, and that it is inconceivable that it should have run in other channels than those it actually filled. When told that we must so regard the rushing flood that has landed us upon this bank and shoal of time where for a moment we are permitted to stand, I can command no logic to show the determinist that he is wrong. On the contrary, he can annihilate me with legitimate deductions from the pronouncements of Science and Theology — not less from the teachings of Darwin and Haeckel, of Bain and Maudsley, than from those of the great theologians Augustine, Calvin, Edwards. He can leave me no resource but to change the “*Credo quia impossibile est*” of Tertullian into *Credo tanquam impossibile est* — and so make an end of it.

I shall assume that all here present agree with these words of the late Lord Acton quoted with approval by Mr. Bryce: “It is the office of historical science to maintain morality as the sole impartial criterion of men and things.” Otherwise we might well follow the example of the ancients and erect altars to Fortune as the only discernible director of human affairs. An historical tribunal can by no means adopt the word “patriotism” as a summary of the whole duty of man. It should be free from the bias of nationality. To say that an act must meet its approval because it tended to the aggrandizement of a people occupying a given division of the earth’s surface is quite beside the mark. The only question to be considered is whether a direction of history, initiated by this or that responsible human act, was clearly a beneficent factor in the evolution of our race towards those moral and social altitudes which it is pleasant to assume man is destined to attain. If it is

decided that this was the case, then those who opposed that act must be held up for censure as examples of short-sightedness, captiousness, and error.

I propose to say a few words in mitigation of the sentence hastily passed upon those Massachusetts men who were opposed to the provision of the treaty with France which resulted in the admission of the State of Louisiana — to its admission without the restriction prohibiting slavery which under the Ordinance of 1787 had been applied to the north-western territory which Congress had been permitted to divide into States.

Of Thomas Jefferson, the most picturesque figure in our line of Presidents,— though some might except the present incumbent of that office,— I need say little. I have heard him presented from the sombre point of view of Federalists who were his contemporaries, and we all know the honeyed emulsions with which his biography has been administered to the readers of Parton and Watson. No one can doubt our indebtedness to him as a great phrase-maker. He has left us sentences which embody ideals fit to be held aloft for the contemplation of his countrymen, and which should spur them to an ever-increasing effort to embody them in conduct. I think it would be difficult to improve upon Hamilton's characterization of at least one side of this fascinating personality: "A man of sublimated and paradoxical imaginations." Sublimated, in its figurative sense of pure and refined, many of these imaginations certainly were; that some of them were paradoxical is evident from the most cursory examination of what he has left us. One of the most stimulating of Jefferson's sayings gave his views respecting the qualifications for office in this republic. The competency of the applicant was to be determined by the affirmative answer to three questions: "Is he honest, is he capable, is he faithful to the Constitution?" Upon assuming the duties of his great office the President makes oath that to the best of his ability he will "preserve, protect, and defend the Constitution of the United States." President Jefferson by his own confession was unfaithful to the Constitution. He admitted that he had "no right to double and more than double the area of the United States" under the conditions stated in the treaty with France. That act was condemned by the legislature of Massachusetts as well as by her promi-

nent citizens. It has been applauded by more numerous voices. Its admirers have likened it to the action of a trustee who exceeded the restrictions of the deed of trust in order to make an investment greatly to the advantage of its beneficiaries. I can neither admit that this comparison fits the case, nor that a trustee would be excusable who so disregarded his instructions. Yet I am not disposed to deny that occasions are conceivable when not only the law of the land but the most imperative of the Ten Commandments might be rightly put aside. Such a case was given in the newspapers some years ago. As the result of a railroad accident, a man was lying in agony — his legs crushed and held by the engine which had fallen upon him. Flames that could not be extinguished were rapidly approaching. The sufferer asked a by-stander to relieve him from prolonged and useless torture by a bullet from a pistol. I dare not say that some insignificant man in the street would have done wrong by complying with that pathetic petition. But how if the request had been to one of high and conspicuous position, — to the governor of the State or to the chief justice of its court? Then it should never have been granted. Why? We may read the answer, good for all time, in the Shakespearian drama. When it was urged that the officials of the Venetian court should wrench the law to their authority and so do a great right by doing a little wrong, the representative of the learned jurist of Padua gives no uncertain rebuke to the proposal. And the answer was not unworthy of the learned jurist of England who by some persons, not altogether demented, is believed at times to have uttered himself through the player at the Globe Theatre,

“ ‘T will be recorded for a precedent;
And many an error, by the same example,
Will rush into the State : it cannot be.”

The admission of Louisiana, by means not sanctioned by the Constitution, was recorded for a precedent, and many an error by the same example has rushed into the State. Mr. Quincy did not live long enough to see his country expanding by aggressive war in Asiatic islands, but he did live long enough to be satisfied of the wisdom of his remonstrance. The deeds of one generation largely influence the ideas of the next: they control its thought. And “this humdrum politician” (so he

has recently been called) was confirmed in his belief that such specious and temporary gain as may be reached by disrespect to organic law must be paid for by a loss that will far exceed it. He lived to see this violation of the Constitution pass into a tradition; and the history of Church and State has been read to little purpose if we do not know that an accepted tradition sooner or later secures confirmation by authority. And so it has come to pass that the Supreme Court has decided that Jefferson and Madison and their eminent contemporaries were altogether wrong in supposing that the Louisiana purchase was without constitutional justification, for behold that elastic instrument can be stretched to sanction acquisition of territory by conquest as well as by purchase or treaty. Congress has been lifted above all courts and constitutions, and may deny to our dependencies even the right of trial by jury.

It goes without saying that the Supreme Court, being a human and fallible tribunal, is not uninfluenced by its congressional environment and by the returns of the elections. It was only the other day that Professor Nelson, the well-known publicist, made himself responsible for the following statement: "One of the justices of the United States Supreme Court has declared that he will determine questions of law with what he regards as the drift of public sentiment." And I think we may safely add that this accommodating magistrate would be likely to determine this compulsive "drift" according to the wishes of party leaders who happen to be in the ascendant. Let me not be misunderstood; constitutions develop themselves and ought to do so. The framers of our Constitution recognized this and devised a way in which they thought it could be prudently done. We have chosen to develop our organic law by the familiar process by which statute law has been developed. We know that the courts extend and modify what was clearly the intention of the legislator, and that statute law is constantly growing by these decisions. But is it well to develop a carefully written constitution, which provides a means for its amendment, in the same way? Evidently the answers to that question may show divergence of opinion.

To go back to 1811. Whitney's saw-gin was invented in 1793, and the slave States of America were recognized as the

cotton fields of the world. Political decisions result from a medley of mixed motives; and of some of the most active of these motives it is desirable that nothing be said. The art of the politician selects and proclaims that one among them which is most presentable. The concealed motive in the treaty with France was to forward the supremacy of the slave-holding power. The shrewd and capable leaders, whom the South has never lacked, saw that here was an opportunity to place their institution in an impregnable position. They realized that the indefinite continuance of slavery depended upon spreading their peculiar property, with its privilege of three-fifths representation, over as wide an area as possible. This they saw; and Josiah Quincy, and the good and true men who stood behind him, saw it as clearly as they did.

Whether the expansion of what we are proud to call American institutions is desirable was not then the question. The question was whether the expansion of slavery was a function that the States had delegated to a passing Congress and a passing Executive. I have talked with Mr. Quincy about his position at this time and feel sure that I give it correctly. Whether the purchase of territory that included the Mississippi River was constitutional or not, he never doubted that the States would ratify and confirm it. He was satisfied that, had the appeal been made to them, the States might have admitted Louisiana even without the provision looking to the extinction of slavery, which had been applied to other territorial possessions. But they would have done this as a concession to an extraordinary situation never again likely to occur: the mouth of the Mississippi was an asset that could not be duplicated. It was the assumption, cunningly incorporated in the treaty, that Congress might make the slave power predominant in the Union by multiplying States in foreign territories, that aroused his indignant opposition. There was the dead fly in the ointment of the apothecary which it needs no Scripture to assure us must soon become unpleasantly evident. What has been absurdly called "the envenomed anti-expansion sentiment" of Mr. Quincy culminated in language frequently quoted in the histories and cyclopædias. He advanced the opinion that with the unconstitutional admission of the Louisiana "the bonds of this Union are virtually dissolved; that the States which compose it are free from their

moral obligations ; and that as it will be the right of all, so it will be the duty of some, to prepare definitely for a separation — amicably if they can, violently if they must.” He thus asserted the indefeasible right of resisting acts that were plainly unconstitutional ; it was the right certainly indicated by Jefferson in the resolutions he drew for the Kentucky legislature as early as 1798. It was the right conceded by John Quincy Adams, provided it was exercised under the sanction of conscience and in the fear of God. It was a right implied even by the great “Defender of the Constitution,” when he uttered the obvious truism, “A bargain cannot be broken on one side and still bind on the other.”

Massachusetts had accepted the Union as a compact between independent sovereign states. If there was any taint of treason in the situation, its stigma was upon those who by the usurpation of undelegated power had pushed the issue of the extension of slavery to the front. And at the front it remained, ever alert and aggressive, until the repeal of the Missouri Compromise and the passage of the Kansas-Nebraska bill aroused a political party to resist its encroachments.

Whether secession from the Union was a reserved right of the States has been debated on each side by men equal in uprightness and ability. The question was decided at Appomattox Court-House, and there is no appeal. Those who lived through the Civil War know how odious the doctrine of this reserved right could be made to appear. And those who believe, as I do, that resistance to it was then laudable as favoring the moral progress of man, shudder to remember how near to success came the attempt to divide the Union in the interest of slavery. As we read the chapters of history that give the facts of that terrible struggle, they seem like chapters of accidents. While there is all the virtue in an “if” that Touchstone ascribed to it, there are possibilities in that familiar particle from which we shrink in dismay.

If Prince Albert had died a few weeks earlier leaving unmodified the offensive terms in which Palmerston demanded satisfaction for the action of Captain Wilkes ! If the exigencies of politics had sent a man of less wisdom and discretion than Mr. Adams to represent us in England ! If a sudden hoarseness had prevented Henry Ward Beecher from going up and down that land and holding the working classes from

following the lead of the aristocracy! How easily these and a hundred other "ifs" might have confirmed the expectation of the South that European intervention would stop the war. But there is one "IF" that we may well write in capitals, for it dominates all the others. If there had been no great moral question involved, or if the moral issue had been the other way, the secession of those eleven States would have succeeded — and ought to have succeeded. Suppose they could truly have asserted that their industrial interests had been paralyzed by a tariff of doubtful constitutionality — a tariff imposed with no view to revenue but to enrich certain favored classes in other States — think you that men of intellect and conscience like Mill and Cairnes, John Bright and Labouchere, would have stood as a barrier to hold back the sordid interests that were anxious to crush us? What we call "the rebellion" was unsuccessful because the moral sense of the nations (with which their selfish rulers had to reckon) had reached a degree of enlightenment capable of perceiving that even if slavery could still be tolerated the time had passed when it could be encouraged. This position, held in 1861 by the general consensus of mankind, had been reached by Josiah Quincy and his friends in 1811, just fifty years before.

President Jefferson has been extolled for his supposed foresight in getting possession of the West; I submit that there was also foresight in the men who perceived the disaster that must come from an unconstitutional concession to the slave power — though I cannot claim that their imaginations were powerful enough to picture the horror of the consequences that subsequent history reveals.

I have implied that to obtain in clarified essence the lessons of the past it is not enough to divest ourselves of passion, of prejudice, of partisanship; we must also stifle the uplifting emotion of patriotism. The French historians are fond of considering what course history would have taken if something that unexpectedly happened had not stopped the way. And though I cannot for a moment admit the preposterous supposition that but for the treaty with France we should have lost the West, it may be permitted for a moment to enter the fairy-land of conjecture and assume that the fear of the time was realized and that England had gained possession of it. We know that the mother country was eager to plant herself upon

this territory of uncertain limits. Napoleon's motive for selling was that the British fleet in the Gulf of Mexico stood ready to pounce upon it the moment war with France was declared. The London press was clamorous for its acquisition. Even up to the time of the battle of New Orleans, England had not relinquished her desires in this direction. If the treaty of peace had not been signed and the battle had gone the other way, Sir Edward Pakenham was provided with men of experience in civil affairs competent to govern the lands he hoped to acquire. Militant patriotism cannot contemplate the possibility of such a catastrophe without a shudder. But can the unbiassed student of history be so easily persuaded that a disaster to humanity would have come of it? Such an inquirer might remember that in 1832 the British Parliament voted a hundred millions of dollars to get rid of slavery in Jamaica, and that this was followed by its abolition throughout the British dominions. Knowing that the presidents of our universities are sober men not given to exaggeration of speech, he might recall the words addressed by one of them to the graduates of the present year. These young men were reminded that they were citizens of a country "strangely lenient toward political venality and civic corruption. We have seen great cities held in the grasp of self-appointed bosses and rural regions bought and sold in unblushing defiance of law." Possibly one might call to mind the language of that sterling American citizen, Dorman B. Eaton, who after due examination was forced to acknowledge that "England has brought about changes which have elevated the moral tone of her official life . . . while this great work has been going on in the mother country, we have fallen away from the better methods of our earlier history." The inquiry might be raised whether the average of human well-being in the British commonwealths, Australia, Tasmania, New Zealand, was decidedly less than with us. Some of these great States have attacked economic problems before which we stand dazed and helpless; from them we have borrowed two of the best of our recent acquisitions, the Australian ballot and the system of land registration. While England and her dependencies are far enough from being the ideal states that we hope for in the future, can it be asserted that their progress in that direction has been far less than our own?

The last legislature of Massachusetts increased the burden of her debt-laden people by contributing one hundred thousand dollars to the splendor of the celebration at St. Louis. Let us not forget that this same Massachusetts once declared by its legislature that Jefferson's treaty with France transcended the constitutional power with which Congress had been entrusted, and reaffirmed this belief as late as 1845 by declaring that "the project of the annexation of Texas unless arrested on the threshold, may drive these States into a dissolution of the Union." Robert C. Winthrop, her representative in Congress and for so many years the honored President of this Society, expressed the feeling of his constituents in these words: "I deny the right of this government to annex a foreign state by any process short of an appeal to the people in the form which the Constitution prescribes for its amendment."

I do not object to the appropriation for the St. Louis festival. It is pleasant to be captured by the spectacular, and perhaps there is too little of it in our common American life. Only a few fragments of history stick in the general memory, and it is easy to fashion these to any shape that may be thrust into the foreground of consciousness. It is easy to forget that organic law is the basis not only of order but of moral progress, and that after one compromise with principle there is no foothold in the descent. For the evil of such a compromise gradually increases until it becomes incorporated with our lives; and then we accept it as we accept the natural forces of the Cosmos by which we exist or cease to be. It is true, as Hamlet says, that "our indiscretion sometimes serves us well"; but it will always serve us ill if, dazzled by the splendor of its supposed consequences, we forget that it *was* indiscretion and call it by some better name.

There is good cause for much of the exultant patriotism that will be in evidence at the St. Louis Exhibition. Despite past errors and some present discouragements, the outlook towards the future justifies an invigorating hopefulness. The natural laws of economics are realized as never before, and civic duty was never put so near to the front of human obligations. Let the orators magnify those responsible for the Louisiana purchase, if this the occasion demands. But if they follow a not unusual procedure and stigmatize as "envenomed anti-expansionists," and credit with "a narrow parochialism," the Massa-

chusetts men who opposed the unconstitutional creation of new slave States, I believe that competent students of history will respond with the Scotch verdict, "Not Proven."

Remarks were also made during the meeting by the PRESIDENT, and Messrs. SOLOMON LINCOLN, EDWARD E. HALE, and FRANKLIN B. SANBORN.